

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

*A resolution of the Senate of February 25, 1845, in reference to the correspondence between the commander of the East India squadron and foreign powers, &c.*

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FEBRUARY 17, 1846.

Read, and ordered to be printed, and that 1,000 additional copies be printed for the use of the Senate.

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*To the Senate of the United States:*

I herewith transmit a report from the Secretary of the Navy, communicating the correspondence called for by the resolution of the Senate of the 25th February, 1845, "between the commander of the East India squadron and foreign powers, or United States agents abroad, during the years 1842 and 1843, relating to trade and the other interests of this government."

JAMES K. POLK.

WASHINGTON, February 16, 1846.

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NAVY DEPARTMENT,  
February 14, 1846.

SIR: In compliance with your direction, I have the honor to enclose copies of "all the correspondence between the commander of the East India squadron and foreign powers, or United States agents abroad, during the years 1842 and 1843, relating to trade and the other interests of this government," as called for by resolution of the Senate of the United States, bearing date of 25th of February, 1845, together with a schedule of said correspondence.

I have the honor to be, very respectfully, your obedient servant,  
GEORGE BANCROFT.

The PRESIDENT.

*Memorandum of papers, submitted under the following resolution, and in conformity with a schedule furnished to the Navy Department by Commodore Kearney:*

IN SENATE OF THE UNITED STATES,  
February 25, 1845.

*Resolved,* That the President of the United States be requested (if not incompatible with the public interests) to furnish the Senate with copies of all the correspondence between the commander of the East India squadron and foreign powers, or United States agents abroad, during the years 1842 and 1843, relating to trade and the other interests of this government.

Attest:

ASBURY DICKINS, *Secretary.*

No. 15.—(Singapore roads)—Kearney to Secretary, January 25, 1842.

[Enclosed in above.]

Kearney to King Selim, September 2, 1841.

King Selim to President United States, September, 1841.

Kearney to Rajah of Qualla and others, October 4, 1841.

No. 19.—Kearney to Secretary of Navy, April 8, 1842.

Published noticed to vice consul, March 31, 1842.

Kearney to vice consul Delano, April 25, 1842.

Governor Ke to Hong merchants, April 15, 1842.

In No. 26.—Kearney to Reynolds, April 27, 1842.

Kearney to Ke, April 27, 1842.

Ke to Kearney, April 29, 1842.

Ke to vice consul Delano, May 6, 1842.

Ke to Kearney, May 16, 1842.

Kearney to Ke, June 4, 1842.

No. 21.—Kearney to Secretary of Navy, May 11, 1842.

No. 23.—Kearney to Secretary of Navy, May 19, 1842.

Kearney to vice consul Delano, June 23, 1842.

Delano to Olyphant & Co., June 8, 1842.

Olyphant & Co. to Delano, June 8, 1842.

In No. 30.—Delano to Kearney, August 19, 1842.

Delano to Governor Ke, August 13, 1842.

Delano to Governor Ke, August 19, 1842.

No. 32.—Kearney to Secretary of Navy, September 23, 1842.

In No. 34.—Kearney to Governor Ke, October 8, 1842.

Ke to Kearney, October 15, 1842.

Kearney to Snow, October 19, 1842.

Snow to Kearney, October 20, 1842.

No. 35.—Kearney to Secretary of Navy, November 15, 1842.

Heard & Co. to E. King, January 5, 1843.

King to Kearney, January 5, 1843.

Kearney to Heard & Co., January 9, 1843.

Kearney to King, January 9, 1843.

Heard & Co. to Kearney, January 5, 1843.

Sturgis to Kearney, January 7, 1843.

Kearney to consul Sturgis, January 14, 1843.

Sturgis to Kearney, January 15, 1843.

King to Kearny, January 25, 1843.

King to Ke, January 16, 1843.

No. 38.—Kearny to Secretary of Navy, January 16, 1843.

Edict of Quang chow to the Hongs, February 3, 1843.

Kearny's despatch to Ke, (translated,) March 15, 1843.

Ke's reply to Kearny, March 17, 1843.

Kearny to Ke, April 13, 1843.

Ke to Kearny, April 16, 1843.

Kearny to Sturgis, (asking list of vessels,) April 19, 1843.

Sturgis to Kearny, (giving the same,) April 20, 1843.

Notice to American merchants and others, May 18, 1843.

Kearny to Sturgis, April 21, 1843.

No. 46.—Kearny to Secretary of Navy, May 19, 1843.

Kearny to Sturgis, May 21, 1843.

Hooper to Kearny, July 7, 1843.

Kearny to Hooper, July 10, 1843.

Hooper to Kearny, July 11, 1843.

Kearny to Lord Paulet, July 11, 1843.

Paulet to Kearny, July 17, 1843.

Kearny's protest, July 11, 1843.

Hooper to Kearny, July 14, 1843.

Kearny to Ke Kuanoa, July 14, 1843.

Ke Kuanoa to Kearny, July 15, 1843.

Kamehameha III to Kearny, July 19, 1843.

Merchants of Oahu to Kearny, July 18, 1843.

Kearny to merchants, July 20, 1843.

Hooper to Kearny, July 19, 1843.

Kearny to Hooper, July 20, 1843.

[No. 15.]

U. S. SHIP CONSTELLATION,

*Singapore Roads, January 25, 1842.*

SIR: I have the honor to acquaint you with the principal events which have transpired in the operations of this squadron since its departure from the cape of Good Hope, and herewith enclose copies of such correspondence as I have had occasion to hold, agreeably to your instructions.

Whilst at the cape, I received intelligence of an American vessel, called the North Star, said to have been lost at the Comoro islands, and that the crew had reached Majombo, in Madagascar. I attempted to touch at the port indicated, but was prevented by adverse winds, calms, and currents.

After my arrival at the Comoro islands, on the 26th August last, information reached me of a large ship being stranded at Mayotta, one of that group. It was said the North Star was also lost at the same island. Hoping, therefore, to hear something of the facts, as well as to render assistance to the unfortunate persons of the above mentioned vessels, the Boston was despatched, and soon returned with the gratifying intelligence that the officers, passengers, and crew had been saved and conveyed away in safety, previous to her arrival. She proved to be an English vessel; but nothing could be ascertained there about the North Star.

Commander Long represents the natives of that island of bad character; and the visit of his ship, and the course he pursued in his intercourse,

it is hoped, will be a check upon these people, in case of any vessels under our flag visiting it, or falling into their hands through misfortune.

As these islands have never been visited before by our ships of war, our visit will not be without advantage.

Proceeding from this group to the west coast of Sumatra, nothing of consequence occurred. On arriving off Quallah Battoo, on the second of October, I communicated to the several rajahs on the coast, personally, the object of my visit, and herewith enclose the purport of my communications; and I am happy to report favorably of the late conduct of the natives; who have been awed, perhaps, by the severe chastisement they received on former occasions; but not by any influence of the rajahs themselves, who have lost nearly all their power, from poverty alone.

No new act of aggression, that I could hear of, has been committed by the Sumatra people; but I am sorry to say that, on the part of our own trading countrymen, it is believed that *they*, and *others* alike engaged in the pepper trade, are in the habit of committing frequent frauds, that may vie with those of the most crafty and unprincipled islanders in these seas; and so long as the practice is continued of using false weights, and thus setting examples to the ignorant, counteracting measures will be pursued by them when it is ascertained they have been wronged.

The use of quicksilver in the hollow beams of their scales, and clandestinely going by night to the shore, and filling up hollow weights with lead or shot, are some of the arts used.

This may be no part of my official duty to impart, but the evidence of the facts is to be found in the words of the parties themselves, uttered to the consul for the United States at Singapore.

The Dutch are advancing their possessions, warring with the natives, and no doubt aim at getting not only the control of the pepper trade, but of the whole island itself.

The French, also, are equally ambitious in respect to Madagascar. They have already availed themselves of an island, with a fine harbor, known as "*Nos-Beh*," near the northeast end of Madagascar, and building forts and doing other matters, under the pretence of aiding in a revolution existing there; and the same may be said with regard to Mayotta, where they intend to establish themselves, if they can.

Having completed my services on the west coast of Sumatra, I sailed for Singapore on the 9th of October, touching, on my way, at Pinang for a pilot; but owing to light and adverse winds, I did not reach this place until the fourth of November, where I have remained, to ascertain what I could learn, by the overland mail, of our political relations with England, which were so much disturbed, according to the reports received.

Hoping soon to receive the desired information, before referred to, and to proceed accordingly, I have the honor to be, very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding U. S. East India squadron.*

To the Hon. the SECRETARY OF THE NAVY.



ON BOARD THE U. S. SHIP CONSTELLATION,  
*Off Johanna, September 2, 1841.*

The commander-in-chief of the United States squadron at anchor off Johanna avails himself of this occasion to express his satisfaction for the hospitality and friendly disposition his majesty has manifested; and, also, for the kind treatment which, it is equally gratifying to know, his majesty has been pleased to show to his fellow-citizens who have before visited the island of Johanna.

These acts towards Americans, of which the commander-in-chief has been made sensible, will impress the President of the United States with the same favorable feelings towards his majesty, and it will be the pleasing duty of the undersigned to communicate the same to his government.

The commander-in-chief wishes to impress upon the mind of his majesty that the United States are friendly to all nations; and, being at peace with them all, and allied to none, the government does not permit its officers to interfere in foreign wars, or, by furnishing arms or munitions of war, to strengthen the military power of one party to the injury of the other. And the undersigned hopes his majesty will believe that this principle, so just in itself, will explain why arms and munitions of war are withheld.

With these views, the undersigned returns his acknowledgments, in the name of the government of the United States, for the hospitality his countrymen have received at the hands of his majesty and his chief officers; and he now offers his best wishes for his majesty's health, prosperity, and long life, and a peaceful reign of his people—and bids him adieu.

LAWRENCE KEARNY,

*Commanding U. S. East India squadron.*

To his Majesty KING SELIM, of *Johanna*.

MASAMODO, ISLAND OF JOHANNA,  
*September, 1841.*

SIR: I am very desirous to be good friends with you, because I have been, and always wish to be, useful to you and your nation.

I do all in my power to aid your citizens who visit my harbors for health or refreshments, and Johanna itself, I wish you to think, does not belong to myself only, but also to you and your citizens.

I have had a long, unjust war with my uncle, which war has injured my people very much, and during that time I lost the greatest part of my munitions of war; and hope that, having been always useful to your citizens, you will have the nobility and *generosity* of heart to assist me in my present unfortunate condition by the aid of some powder, muskets, and lead, that I may continue to shield my people, who alone look to me for protection.

Wishing for yourself and your country all happiness, and that you may long continue in peace and prosperity with all the world, I remain your faithful friend.

[Signed, in native characters, by King Selim.]

To his Excellency the PRESIDENT of the United States  
of North America.

U. S. FRIGATE CONSTITUTION, OFF QUALLAH BATTOO,  
October 4, 1841.

The undersigned has visited the west coast of Sumatra in order to ascertain if any piracies, or other aggressions on American vessels or their crews, have been committed by the Rajahs or their people ; and he has come to punish such as may have done so, or otherwise violated the just rights of American citizens trading with this coast.

He begs to assure the Rajah that the American government will continue to send more ships of war for this same purpose ; therefore the peace or troubles of himself and people must depend upon their own conduct, and a faithful compliance with engagements already entered into ; which done, will always preserve both peace and friendship, and thereby increase the advantages of the trade so long existing between American citizens and your own town and neighborhood.

LAWRENCE KEARNY,

*Commanding U. S. naval force in the Indian seas.*

TO CHHOL-DOO-COH, *Rajah of Quallah Battoo,*

DATTOO MODAH, *Rajah of Soo Loo,*

the CHIEF, and all other rajahs, of Muckie.

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[No. 19.]

U. S. SHIP CONSTELLATION,

*Macao Roads, April 8, 1842.*

SIR : Since my last letters of the 26th, 28th, and 29th ult., which I had the honor to address to you from this place, no important change in affairs has taken place with regard to the war upon China by the British forces, which forces remain much in the same order as then stated.

Their present design seems to be to create a permanent establishment at Hong Kong, and it occupies the principal attention of the British at this time—made in part to appear from one of the papers of the day, entitled “The Canton Register,” herewith transmitted.

The above mentioned paper contains, also, other matters, which it may be important to inquire into, on the subject of “simulated papers,” alleged to have been granted to British ships by the vice consul of the United States of America, to enable those ships to violate the laws of China. I shall deem it my duty to inquire and to apprise the department, as soon as it shall be fully ascertained, upon what grounds the allegation referred to rests.

I herewith enclose a copy of a notice I caused to be published in consequence of a small vessel arriving at Hong Kong, under American colors, with opium, as stated in a paper published at that place. The subject seems to have awakened an unusual degree of interest, in a way which, although I cannot bring officially to your notice, yet I have thought it might be interesting to the department to understand, and hence I enclose the paper containing the communications.

Commander Long, in the Boston, sailed for Manilla on the first of April, with orders to see to the state of our provisions deposited there, and to afford protection to the American interests generally in that quarter, and will return here shortly.

I enclose a monthly report of this ship, and a list of the several changes which have taken place among the officers of this squadron since my last report of 27th July, 1842.

Having received several written applications from American citizens, and demands claiming redress from the Chinese for outrages committed upon them near Canton, at the disturbance caused by the operations of the British in May and November last, I shall proceed with the Constellation, on Monday next, as far as Whampoa, where, I have to inform you, trade still continues, and as soon after as possible visit Canton on that business.

I am happy to inform you the officers and crew of this ship, and those of the Boston, up to the time of her departure, continue to enjoy uninterrupted good health.

Very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding U. S. East India squadron.*

The Hon. the SECRETARY OF THE NAVY.

U. S. SHIP CONSTELLATION,

*Macao Roads, March 31, 1842.*

SIR: The Hong Kong Gazette, of the 24th instant, contains a shipping report, in which is the name of an American vessel engaged in carrying opium; therefore I beg you will cause to be made known with equal publicity, and also to the Chinese authorities, by the translation of the same, that the government of the United States does not sanction "the smuggling of opium" on this coast, under the American flag, in violation of the laws of China. Difficulties arising therefrom in respect to the seizure of any vessel by the Chinese, the claimants certainly will not, under my instructions, find support or any interposition, on my part, after the publication of this notice.

I am, very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding U. S. squadron in the East Indies.*

To the U. S. CONSUL, or VICE CONSUL,

*At Canton, &c., &c.*

U. S. SHIP CONSTELLATION,

*Whampoa Reach, April 25, 1842.*

SIR: Your letter of the 23d instant, and the accompanying documents, relating to outrages in Canton upon American citizens, have been received and carefully examined.

The nature of the cases submitted for my action, as well as the manner of obtaining redress for the wrongs complained of, call for serious reflection; and when I consider that no direct communication has ever been made to the Imperial government by the United States, to my knowledge, a difficulty presents itself as to the manner and style in which the high officers of the Celestial Empire should be addressed, in any communications I may be called upon to make in presenting claims upon the high authorities or government, which last has, from time immemorial, been managed by a peculiar system of foreign and domestic policy different from all others. I wish it to be done with all due respect to them; while, at the same time, it is

hoped that a corresponding consideration may induce those high authorities to adopt, in the same manner, what comports with the dignity of the United States, which, under the circumstances of this case, I have the honor to represent.

Therefore, as a preliminary step, and one of indispensable necessity to the further prosecution of the business placed in my hands, I submit the subject to you, and I ask this information. I will also add, that having heard, while in the pursuit of my business on the ocean, that American citizens had suffered wrongs committed in Canton by his Imperial majesty's officers and soldiers, my duty compelled me to anchor here to inquire and obtain further information, and seek an explanation, equally due to the Imperial government and the Chinese people as it is to the United States and the innocent citizens thereof, who have been so severely injured in Canton.

Very respectfully, your obedient servant,

L. KEARNY.

TO WARREN DELANO, jr., Esq.,  
*Vice Consul of the United States.*

[Translation.]

Ke, Minor Guardian of the heir apparent, President of the Board of War, Governor of the provinces Kwangtung and Kwangse, issues this order to the Hong merchants :

I have received from Mr. Delano, the American consul, the following duly authenticated address, [which is here introduced, with the substance of Commodore Kearny's notice of the 31st of March:]

This having thus come before me, I find, on examination, that the Americans have acted in a manner most highly respectful and obedient. Their vessels hitherto engaged in the commerce of Canton have always been confined to the legitimate and honorable trade, and never concerned with the carrying of opium. This is that which all the people of Canton know, and of which, also, I, the governor, have the fullest assurance.

Our Celestial dynasty cherishes tender regard towards men from afar, and all good foreigners it treats with the greatest liberality. In managing the affairs of the foreigners, at present, it is my bounden duty, as governor, to treat the English with the same tenderness as I do others, if they truly abide in their legitimate and honorable trade, and create no more troubles. All other foreigners, besides them, hitherto observant of our laws and regulations, have for a long time rested in the midst of our equal benevolence. There can be no cause for disquietude—none for suspicion.

That which is said, in the address, of a report in the Gazette about an American ship being engaged in carrying opium, is probably a mere report, made up by some vagrants, for purposes of deception. It is by no means certain that any such thing exists. There is only a chance in ten thousand that, of the many sailors, some may have brought opium without being detected.

The said nation having had its strict prohibitions, could never have permitted the carrying of opium. However, it is incumbent on the said consul to make clear investigation, and stop the practice.

Concerning the recent arrival of two ships of war, which have come



solely for the protection of vessels and merchants engaged in the legitimate trade, I, the governor, entertain no suspicions of their having any sinister object.

All those who belong to the said nation's ships of war, and for merchandise, ought, as formerly, with glad hearts, and without suspicion or concern, to engage in their commercial pursuits.

Wherefore is issued this edict. On its reaching the Hong merchants, let them take the foregoing particulars, and communicate them to the American consul. (Mr. Delano,) and let them require the said consul to communicate the same to all the foreign merchants for their information.

Haste! Be quick.

APRIL 15, 1842.

U. S. SHIP CONSTELLATION,

*Whampoa Reach, April 27, 1842.*

SIR: You are requested to bear the accompanying despatch to Canton, for the governor.

As it is possible some trifling follies of ceremony may interpose your delivering it to a government officer, I wish to have you understand, first, that a communication sent by the consul through a Hong merchant (intended for the governor) has never been heard of since; and that was in May last.

Therefore, you are not to give it to any one unauthorized to receive it, or unless it shall be clearly ascertained that the despatches from the British are conveyed in the same way, or by the Hongs.

You can wait until 4 P. M. for this purpose, and if no way offers to secure the delivery safely to the governor, (and of which you will take great care to provide,) you will return it without delay.

Should any difficulty arise that cannot be arranged in the most friendly manner, it is desirable not to press the subject; you will avoid this by stating that you will return to the ship for further instructions from me.

Respectfully, your obedient servant,

LAWRENCE KEARNY.

To Lieutenant J. G. REYNOLDS,

*U. S. Ship Constellation.*

U. S. SHIP CONSTELLATION,

*Whampoa Reach, April 27, 1842.*

The undersigned, commanding the U. S. A. squadron in the East Indies, is charged by the government of his country with the important duty of protecting the lives and property of his countrymen engaged in honorable pursuits and lawful commerce. If they are treated with indignity, or are plundered by pirates on the seas, it is his bounden duty, wherever he arrives, to manage these affairs so as to give security to his countrymen, and to maintain the honor of his nation. With all men, every where, he must endeavor to be at peace; conforming to all their just and rightful usages.

When leaving his country he was especially charged to instruct always,

when on the high seas, his officers and men in their profession, and to rescue and return home any distressed shipwrecked mariners found on desolate islands; and on his arrival in China, it was to be his first object to inquire regarding the smuggling of opium by his own countrymen, and not to allow them, or others under his nation's flag, to engage in that contraband trade.

On arriving in China recently, his countrymen certified to him, in due form, that in the spring of last year, when the English attacked Canton, they were alarmed and anxious to remove to Whampoa to avoid the troubles; that, to prevent this, the Chinese high authorities repeatedly issued edicts giving assurances of protection, and that on the 20th of May the prefect issued a special one, in which he declared—

“That you, who have always been respectfully obedient and long enjoyed our commerce, the high officers of the celestial dynasty, in fulfilling the gracious pleasure of his Imperial majesty towards foreigners, will give full protection to the utmost of their strength; and that, should native robbers or bandits come out to plunder or molest you, they shall be punished with increased severity; and any goods carried off shall be restored, so that the smallest loss shall not be sustained.”

Two of the merchants trusted to the faithfulness of the promises of these high officers, and remained unconcerned, without fear. But, unexpectedly, the officers and soldiers of your country, disregarding all distinctions, broke into the factories and seized one of the merchants, Mr. Coolidge, and carried him into the city and kept him in custody. The other merchant, Mr. Morss, seeing these fearful proceedings, got ready two boats, hoping to escape with his clerks and some of his papers in separate boats. One of the boats, in which Mr. Morss was, did escape unharmed, but, unfortunately, the other, in which were ten men, was attacked by soldiers soon after she left the factory. One man named Sherry was lost, and his body has never since been seen. Another, Mr. Millar, was nearly killed, having received many and very severe wounds. The remaining nine were all injured—some more, and some less. These men, bound with chains, were led into the city and delivered over to the custody of the criminal judge; and were, with Mr. Coolidge, after they had all been recognised as Americans by his excellency, consigned to prison. At that time the American vice consul, Mr. Delano, sent in an address to the high authorities, demanding their release; to this address no reply was given. After the lapse of two days the men were released from prison, but left unprotected.

Again, in November last, Mr. Edwards and four men, going from Whampoa to Canton in a ship's boat, having missed their way, were seized by officers and soldiers, heavy chains were put around their necks, and they were led into the city, and, after having been severely injured, were set at liberty.

The undersigned hereby begs his excellency to have the guilty offenders brought to justice, the injuries redressed, and the unsettled losses repaired;—then he and his countrymen will be satisfied; unsuspecting confidence secured for the future; national honor maintained; and the two countries remain at peace with each other.

LAWRENCE KEARNY.

To his Excellency the GOVERNOR OF CANTON, &c., &c.,

*An official reply to the honorable the Commodore, given by Ke, minor guardian of the heir apparent, President of the Board of War, Governor of Kwangtung and Kwangse, &c.*

On the 28th of this month, your despatch was received and fully understood. The imperial kindness to foreigners is, I conceive, universal. Especially do the civil and military officers of this province fulfil the sacred pleasure in giving security and protection to the merchants of your country, always respectfully obedient.

Last spring, when the English created disturbances and joined battle at Canton, amidst the confusion of armed men, Mr. Morss and others took to their boats, but did not hoist the American flag, and there being nothing to distinguish them was the occasion of their being mistakingly seized by the officers and soldiers, and also of their being wounded. On clearly ascertaining that the men belonged to your country, they were delivered to the Hong merchants, who were faithfully to instruct them, carefully cure their wounds, and then send them to Macao. There was no mention made at that time, by Mr. Morss and the others, of the loss of Sherry.

Concerning the things of Mr. Morss and the others which were missing, and which were not severally returned, I, the governor, gave repeated injunctions to Pwankequa to offer large rewards, and diligently to seek for them. One book was found and returned last year, and the handbill for the reward Mr. Morss has seen. As to the books still missing, further rewards were offered and examination was made. Of this, both the Chinese and foreigners are well informed. I beg again to examine and inquire.

Always hitherto, I, the governor, have treated men with sincerity and good faith, never deceiving them. Hereafter, also, to all the merchants and people in their intercourse and commerce, I will instruct and direct the officers, civil and military, always, in all affairs, kindly to give security and protection, not allowing them to create more trouble. Therefore be at ease; and I beg you to instruct all the merchants of your country not to entertain suspicion or anxiety. Such is my hope.

With considerations of regard, this communication is made.

APRIL 29, 1842.

*An edict from Ke, minor guardian of the heir apparent, President of the Board of War, member of the censorate, Governor of Kwangtung and Kwangse.*

It is authenticated that the American vice consul, Delano, has presented an address saying that he had, on that day, received a letter from the commodore of his nation's ships of war, calling on him to inform all the merchants of his country that, the previous day, one of the ship's boats having reached Esham, was two or three times fired on with shot from the guns of the fort; also calling on him to inform his excellency, that he might give an early reply. The vice consul, as it was right and proper to do, also declared that his country had always been respectfully obedient, and that the said boat carried its national flag; and therefore he desired to know why she was fired on from the forts, and, if any, what answer was to be returned to the commodore.

On examination, I find that America has always been respectfully obedient; I, the governor, therefore, in fulfilling the pleasure of his Imperial majesty, kindly to regard men from afar, have always given them security and protection.

On the 3d instant, between 12 and 1 o'clock, P. M., a boat having proceeded from Whampoa, by the small channel, sounding north and south across the river up to the barrier, and the soldiers having in a proper manner admonished her to stop, and she not consenting, therefore the guns of the fort were fired.

The barrier at Esham, stopping up the channel, was built by the Chinese officers, gentry, merchants, and people, in consequence of the troubles with the English, and for the protection of the provincial city. After the troubles cease, then the channel will be again opened as formerly.

The foreign merchants, in the quiet and peaceful pursuit of their business, when proceeding from Whampoa, ought, after passing the barrier, to go directly to the foreign factories. The boat on the 3d instant could have had no necessity for cruising about and taking the soundings. The soldiers having repeatedly gone and admonished her to stop, without her doing so, feared that the people in her were robbers, carrying a borrowed flag, and having some sinister purpose; and therefore they twice opened their guns, which never would have been done had she been in her place and not cruising about.

Hereafter let all the boats be informed that, if in the quiet pursuit of their business, they ought to proceed directly from Whampoa to the city, and not go into all the channels to take the soundings; and I, the governor, will give command to all the officers and soldiers to abide by their duty. Then both the one and the other will, all alike, quietly engage in commercial pursuits, together enjoying great peace. I, the governor, will always treat men with sincerity and good faith; and the Celestial Empire and America, long bound together by favor and justice, will be without dislike and without hatred.

I have heard that the newly arrived commodore manages affairs with clear understanding, profound wisdom, and great justice. Therefore, take this my explanation, and carefully communicate it.

This is the edict.

MAY 6, 1842.

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*An official reply to the honorable the Commodore, by Ke, minor guardian of the heir apparent, Governor of the two Kwang; communicated in order to explain the case in detail.*

The several particulars of your despatch before received have been already replied to; but fearing they were not explained sufficiently in detail, I now again make this explanatory communication.

Concerning the things lost last year by Mr. Morss and others, and concerning wounds received by Mr. Millar and others, it is to be remarked, that on account of the disturbances created by the English at that time upon



the river at Canton, the impossibility of making distinction between one person and another led to the mistaken seizures.

Having, on inquiry, ascertained that the wounded persons were Americans, it then became an incumbent duty soothingly and mercifully to heal them; and concerning the things lost, commands were early given to the Hong merchants to act and manage well. But if Mr. Morss and the others are still unsatisfied, the said Hong merchants are to be inquired of, and you, the commodore, will decide the case in accordance with what is just. Concerning the loss of Sherry, as stated in the despatch, Mr. Morss and the others said not one word at the time. And supposing the case really to be as stated, it is to be remarked that just at that time the fighting at Canton, on the river, had commenced, and of the soldiers and people many were the dead. How, then, could he be secured and protected? You, the commodore, must clearly understand this.

Mr. Coolidge, at the time, gave to Elliott a list of the things he had lost; and \$30,000 were paid by the Hong merchants, and passed over to him by Elliott.

Mr. Edwards and the four men in the boat, by mistake, went up the western passage, and their thus not conforming to the old regulation was the cause of their being mistakenly seized by the officers and soldiers. I have, on inquiry, ascertained that there was for it no other reason.

These things are equally known both by the native and foreign merchants and people; and I again, as bound to do, state them in detail for your information.

Again, according to the fixed regulations of the Celestial Empire, foreign merchant vessels are permitted to come to Whampoa; the ships of war, however, have always anchored in the outer seas, not being permitted to enter Whampoa. Now, the American ships of war have already been at Whampoa half a month, and the people and soldiers are not without suspicions and apprehensions.

But on the 9th instant, the admiral, going on board these ships, observed that your behavior in intercourse with him was extremely respectful and civil, so that it is apparent that the words of the people are unworthy of credit. Yet, by long anchoring at that place, suspicions will be unavoidable. By your compliance with the fixed regulations, and early proceeding to the outer seas, we shall promote harmony and good will, and forever enjoy fullness of peace.

For this, I, the governor, ardently hope.

With considerations of regard, this communication is made.

MAY 16, 1842.

The foregoing is a faithful translation of the original Chinese.

E. C. BRIDGEMAN.

JUNE 4, 1842.

Commodore Kearny, commanding the U. S. A. squadron in the East Indies, makes this second communication. Your excellency's favors of the 29th April and the 18th of May have been both received, and attentively perused. The several particulars, obligingly detailed in

your replies, regarding the injuries and losses of life and property, have been minutely and carefully examined by me, the commodore.

As to the loss of life of Sherry and the imprisonment of certain American citizens, these being the results of mistakes, it would be as difficult to prosecute at this late period, as it would be hard to punish the authors thereof; and therefore these misfortunes must, I conceive, be alike deplored by all who are acquainted with them.

The statements made by Mr. Morss, regarding the several losses sustained by himself, Mr. Millar, and others, by the seizure of the boat of the American ship Morrison, Captain Benson, have been carefully examined by me, the commodore; and I have directed Mr. Delano, the United States vice consul, to inform the Hong merchants of the full amount claimed by me, and to receive the same and distribute it to the several persons, Morss and others, as indemnity for the losses they sustained by the seizure of the Morrison's boat.

Having to decide in accordance with what is just, as intimated in your reply, I have not failed to regard the liberality and confidence displayed by your excellency; and my claim for remuneration, being limited to actual losses, will, I hope, be satisfactory to your excellency.

With assurances of respect.

To his Excellency the GOVERNOR OF CANTON, &c., &c.

[No. 21.]

U. S. SHIP CONSTELLATION,  
*Whampoa Reach, Canton river, May 11, 1842.*

SIR: The American ship Horatio, for New York, affords the first opportunity, since my arrival in the river, that has offered for writing to the department.

My last letters, Nos. 17, 19, and 20, from Macao, (duplicates herewith transmitted,) will inform you of my arrival at that place, and of my object in proceeding up the river with this ship, and despatching the Boston for Manilla.

The Boston has just returned from that service, and is now at this anchorage. Commander Long reports favorably of our commercial relations at Manilla; and for other information from that quarter, I beg to refer you to copies of letters and extracts herewith transmitted and referred to in the index.

It will be gratifying to the department, I presume, to learn that my presence in the river, even as high as Whampoa, has not given offence to the high authorities of Canton, (no indication of it, however, has been observed;) but, on the contrary, the admiral, who ranks with the governor, has been on board on a visit. He was received with the highest honors known to our navy, and was otherwise made sensible of the friendly disposition of the United States towards the Imperial government. He seemed well pleased; and, after a close scrutiny into every thing belonging to the armament of this ship, he visited the Boston.

These are events unknown to history, both with regard to foreign ships of war lying at Whampoa, as well as that of a Chinese admiral visiting one. The case of the British ships, in their attack upon Canton, is the only exception to the former that I can ascertain.

In addition to this important change of policy in our favor, I have also the satisfaction of informing you that a channel of communication with the high authorities, comporting with the dignity of the United States, and the Imperial government, has been opened ; and it will be my duty and pleasure to transmit the whole of the correspondence with regard to the claim now before his excellency the governor of Canton, for losses by American citizens, as soon as the cases are adjusted.

It was first attempted to give the old direction to my communication, through the Hong merchants, which has been successfully resisted by me ; and I have the pleasure, as is before stated with regard to the channel of communication, to inform you a despatch is carried up and delivered, from the hand of one of the commissioned officers of this squadron, into the hands of an imperial officer of the same grade, and the reply is returned by the same, and delivered by him on board the Constellation.

The original edict of the governor cannot fail to be an interesting document, and it will be transmitted, with all others translated for the department, in due time ; but, to avail of this opportunity to acquaint you with the spirit and disposition that is exhibited on the part of his excellency, I enclose a translation of the same. Also, a translation of another communication respecting an event which took place on the 3d instant, of a boat being fired upon, under a mistake, as has been represented by his excellency ; and it may be important for the department to know that the difficulty is satisfactorily and definitely settled, as well as to know our commercial relations here are on the most favorable footing, as well as in other parts of the India and China seas ; and, so far as I can understand, the American flag is every where respected ; and, with regard to the present state of feeling in this quarter, the time would seem propitious for the introduction of a government agent, but separated from commercial pursuits, which are so inconsistent with the ideas of these high officers, in points of respectability and standing.

The appearance of some of our large class ships upon this coast, and a more frequent visit of our vessels, now that the river is open, would seem to claim attention, and the propriety of such a step is most respectfully submitted.

The British squadron has been increased by the addition of a frigate, a steamer, and also a number of transports from India ; but it is understood there will not be an attack made, at present, upon Peking. The design seems to be to operate between that city and Canton, investing the different rivers and canals in a way to cut off the supplies on their way to the capital.

As I have not fallen in with the British squadron, it has not been in my power to give you a detailed account, except what has been derived from the public papers of the day, already transmitted, as to its force, &c.

The opium trade is carried on more openly than hitherto. Many of the vessels engaged in it are at this anchorage, of which fact no notice is taken by the authorities.

The publication issued by me concerning that traffic under the flag of the United States has had the effect of restraining one or two small schooners from hoisting our colors ; and I am pleased to inform you that there is no evidence of either the citizens of the United States, or their vessels, being engaged in that trade.

Under the present circumstances, and with regard to my instructions in

reference to the continuance of the present difficulties between the British and Chinese, I shall feel constrained to delay my departure from this coast during at least the time the river remains open, and our valuable trade exposed at this place. As this course is presumed to meet the views of the department, I shall necessarily be governed by future circumstances, with respect to the performance of other duties, and extending my cruise, which, in point of time, expires in twelve months from this time.

I forward by this opportunity the fleet surgeon's report, showing a continuation of good health enjoyed by the squadron up to the last quarter; and I am happy to say both ships are free from sickness at this time, and the officers and crew, are contented, and much improved in good order and discipline.

I have the honor to be, very respectfully, your obedient servant,

L. KEARNY.

The Hon. the SECRETARY OF THE NAVY,

*Washington.*

[No. 23.]

UNITED STATES SHIP CONSTELLATION,

*Whampoa, May 19, 1842.*

SIR: I had the honor to transmit my letters Nos. 21 and 22, for your information, by the *Horatio*, dated 11th and 13th instant, duplicates of which will be forwarded by the next vessel.

The present occasion allows me briefly to state, that with regard to the claims I have had placed in my hands by American citizens, at Canton, for the purpose of obtaining redress for injuries done them by the Chinese in the disturbance the British occasioned at Canton, last spring, the governor has submitted the merits of the case to my decision, and, so far as regards the seizure and wounding of the persons, declares it was done under mistake, "there being no way of distinguishing one person from another, and the boats not having the American flag;" which was the case. I hope to be able in a few days to transmit the documents relating to this affair, showing the same to be settled, so far as I have made demands for reparation; the death of Sherry, who was one of the sufferers on that occasion, being a different point, and one that, for reasons that will be made to appear, will be referred to the department.

The good feeling which subsists has been again manifested on the part of the Chinese by further visits of the high officers, since the admiral mentioned in my last letter; the next officer in rank, equal to a commodore in our navy, has been on board, besides other mandarins in company.

The claims before referred to being settled, the squadron will sail to the north, *via* Hong Kong, Chusan, &c., &c.

I have the honor to be, very respectfully, your obedient servant,

L. KEARNY.

The Hon. the SECRETARY OF THE NAVY,

*Washington.*



## U. S. SHIP CONSTELLATION,

*Macao Roads, June 23, 1842.*

SIR: You will receive herewith sundry papers from Messrs. Olyphant & Co., merchants in Canton, on the subject of their claims for the seizure of the Morrison's boat.

I beg leave to protest against your proceedings with regard to the payment of the sum of seven thousand eight hundred dollars, on account of any settlement of mine with the provincial government, for it was not to be paid, except under conditions which have not been complied with.

Mr. Morss, Mr. Millar, or any one else connected with the house of Olyphant & Co., cannot hold the money you paid, contrary to my instructions, and continue to petition the provincial government, after I had finally (so far as I am concerned) settled the claims upon it of American citizens who had put their business into my hands.

I maintain that my final communication of the 4th inst., to the government of Canton, cannot be thrown aside, and new grounds assumed by the claimants.

It is their right, if not satisfied, to enter a protest against my proceedings, and, through the government at home, to renew, if occasion shall require, a correspondence with the provincial government.

And it will be your duty to protect me in what may seem just and proper, as I placed the papers in your hands.

I am, very respectfully, your obedient servant,

LAWRENCE KEARNY.

W. DELANO, JR., Esq.,

*United States Vice Consul, Canton.*

CONSULATE OF THE U. S. OF AMERICA,

*June 8, 1842.*

GENTLEMEN: In compliance with the instructions contained in the letter of Commodore Kearny, dated 3d inst., copy of which is enclosed for your information, I beg leave to advise you that the Hong merchants are holding, subject to my order, the sum of \$7,800, (seven thousand eight hundred dollars,) upon your giving me a receipt for the amount in full for all claims upon the Chinese government for yourselves, Mr. Morss, Mr. Millar, Mr. Taylor, and others in the boat of the Morrison at the time of her capture in May, 1841.

In consideration of the injuries suffered by Mr. Millar, the Hong merchants have volunteered to pay to him the sum of \$2,200, (two thousand two hundred dollars,) in addition to the amount demanded by Commodore Kearny, on condition that he acknowledges it in full satisfaction of all claims for injuries received by him at the hands of the Chinese soldiery in May, 1841. And I will thank you to acquaint Mr. Millar of the disposition of the Hong merchants on this point, and advise me if the sum offered by them will be acceptable to him.

I remain, gentlemen, your obedient servant,

W. DELANO, JR.,

*Vice Consul of the United States of America.*

To Messrs. OLYPHANT & Co., Canton.

CANTON, *June 8, 1842.*

SIR: We enclose receipt for the sum awarded us and others, (for losses of books, &c.,) on the part of the local government, as reported to us by your letter of to-day, (which we acknowledge, with its enclosures,) and request the sum to be paid to the bearer.

We will refer the offer you make on the part of the Hong merchants (of a further gratuity of \$2,200) to Mr. Millar, and on receipt of his reply, will communicate the same to you. That gentlemen will of course decide on a claim which is exclusively his own, as will the other parties, his fellow sufferers, whose (as we think, just,) demands have been ruled out by Commodore Kearny. It is not for us to decide whether the course pursued by Commodore Kearny has not given the claimants a right of recourse against himself and his advisers, in addition to their prior lien on the local government.

We are, sir, your obedient servants,

OLYPHANT &amp; CO.

W. DELANO, JR., Esq.,

Vice Consul, &amp;c., &amp;c.

CONSULATE OF THE UNITED STATES OF AMERICA,

*Canton, August 19, 1842.*

SIR: Subsequent to your departure from Whampoa, with the squadron under your command, Messrs. Olyphant & Co. petitioned the provincial authorities on the subject of injuries received by persons on board one of the boats of the American ship "Morrison," off Canton, in May, 1841. His excellency the governor then addressed me through the Hong merchants, desiring to be informed of the nature of the settlement made by you at Canton; and for your information, I beg to hand you enclosed copy of my communication in reply to his excellency the governor, under date 13th August instant.

Mr. Millar, who suffered in the affair of the boat, in May, 1841, having called upon me, and expressed his wish, received the sum of money volunteered to be paid by the Hong merchants. I successfully exerted myself to recover the amount, and have now to hand you enclosed copy of his letter of this date, expressing himself satisfied with the compensation he has received, and acquitting the Chinese of any further claims. Further, I have to hand you, herewith, copy of a communication, under this day's date, acquainting his excellency the governor of the receipt of the last letter from Mr. Millar.

I remain, sir, your obedient servant,

W. DELANO, JR.

To Commodore L. KEARNY, &amp;c., &amp;c., &amp;c.

CONSULATE OF THE UNITED STATES OF AMERICA,

*Canton, August 13, 1842.*

SIR: I have received, through the Hong merchants, your excellency's communication, dated on the 16th of the 6th moon, upon the subject of certain claims by Mr. Morss and others, for compensation for losses and damages sustained by the capture of a boat of the American ship Morrison, by

the Chinese soldiery, in May of last year, and inquiring in what manner the matter was considered settled by the American commodore, (Kearny,) to whom it was referred a few weeks since.

In reply, I beg to state to your excellency that the commodore, after a careful examination of the subject, decided that the claims of the sufferers should be allowed to the following extent :

For a chest containing the books and papers of Messrs. Oliphant & Co., say	-	-	-	-	-	\$5,000
For the books and papers of Mr. Millar	-	-	-	-	-	1,000
For clothing and other property of Mr. Millar	-	-	-	-	-	600
For clothing and other property of Mr. Taylor	-	-	-	-	-	400
For clothing and property of Mr. Morss	-	-	-	-	-	250
For cash and sundries of Messrs. Oliphant & Co.	-	-	-	-	-	400
For the doctor's bill against Mr. Millar	-	-	-	-	-	150

Making a total sum of - - - - - \$7,800  
to be paid in full compensation for the losses and damages sustained.

This decision was communicated by the commodore to me, as vice consul, with a request to call upon the Hong merchants for the sum named, and to pay the same over to the American merchant, Mr. Morss. The Hong merchants immediately paid the money, which was handed over to Mr. Morss, who gave a receipt therefor, expressing himself satisfied with the compensation granted for losses, but not satisfied with the injuries sustained to persons in the boat, and for the loss of the life of one of the number, a young man named Sherry.

Your excellency's explanations to Commodore Kearny, showing the whole misfortune to have been the result of mistakes, caused by the unexpected and actual hostile collision between the Chinese and British forces, were so clear and satisfactory to the commodore, that, while he could not but regret the loss of the life of one, and the injuries sustained by the others, he did not consider it proper to press claims beyond the amount named; and he considers the whole matter as definitely and conclusively settled.

I have the honor to be, sir, &c., &c., &c.,

W. DELANO, JR.,  
*Vice Consul of the United States of America.*

To his Excellency KE,

*Governor of the two Kwang Provinces, &c.*

CONSULATE OF THE UNITED STATES OF AMERICA,  
*Canton, August 19, 1842.*

SIR : I have to inform your excellency that Mr. Millar has addressed a letter to this consulate, in which he acknowledges himself fully and entirely satisfied and contented with the compensation made to him for losses, damages, and injuries sustained by him at the time of the capture of the boat of the American ship Morrison, Capt. Benson, in May of last year.

I have the honor to be, &c., &c., &c.,

W. DELANO, JR.,  
*Vice Consul of the United States of America.*

His Excellency KE,

*Governor of Kwangtung and Kwangse, &c., &c., &c.*

[No. 32.]

UNITED STATES SHIP CONSTELLATION,  
*Hong Kong Bay, September 23, 1842.*

SIR: I have the pleasure to inform you that peace is restored in China, and that a treaty is negotiated, of which the following articles subjoined are the most important provisions.

Major Malcom, bearing the treaty, left Nanking seven days since, and proceeds immediately by the overland route for London, allowing me only a few moments to write.

I shall now despatch the Boston on other service, and she will sail on the 26th instant for the islands in the Pacific, to join me in April next at Valparaiso.

I have concluded to wait a short time with this ship that I may avail myself of the occasion to obtain some information of the disposition of the Chinese government towards the United States in this new state of affairs, their interests not being provided for in the treaty.

I hope it will meet with your approbation that I have divided the two ships, so as to embrace all the cruising ground, which otherwise, at this late period of my cruise, could not be done.

I shall lose no time in obtaining all the information in my power which may be had for the benefit of the commercial interest.

The route I design to take in this ship is by way of New Holland, New Zealand, and adjacent places, where American whalers resort, and then proceed by the Society islands to Valparaiso, leaving the places north of the line for the Boston, which vessel takes the northern and eastern passage from this.

I have directed Commander Long to visit the Marquesas islands, of which the French are now in possession.

In May last, my letter (No. 21) intimated the expediency of having an agent on this coast for the interests of the United States—one who is not connected with commerce; and that also some of our large class ships would be advantageous here to impress the Chinese with a sense of respect for the United States.

The state of affairs here now will of course receive due consideration on the part of the government, and I can only remark that, so far as I am informed and believe, the presence of a fleet of United States ships appearing here would do more to obtain a favorable treaty than any other measure; for unless the Emperor and officers of the Chinese government are convinced of our power, they will not fail to be governed by that policy which the British, with established consulates in the empire, will be inclined to carry out in opposition to the interests and trade of the United States.

I despatch this letter by Warren Delano, jr., esquire, late United States vice consul at Canton, who goes by the overland route; and I have great pleasure in doing so, as his intimate acquaintance with the Chinese policy and knowledge of the Chinese and British affairs in the whole of their difficulties will afford the government of the United States much valuable information.

It is said that Sir Henry Pottinger and the Chinese commissioners would be in this vicinity in a month or six weeks to adjust the details of the treaty; that four millions of dollars have been paid. In this case, I shall feel it my duty to remain for the above time.

I am, very respectfully, your obedient servant,

L. KEARNY,

*Commanding U. S. squadron, East Indies.*

The Hon. the SECRETARY OF THE NAVY.



1. Lasting peace and friendship between the two nations.
2. China to pay twenty-one millions of dollars in the course of the present and the three succeeding years.
3. The ports of Canton, Amoy, Foo-chow-foo, Ningpo, and Shanghai, to be thrown open to British merchants, consular officers to be appointed to reside at them, and regular and just tariffs of import and export (as well as inland transit,) duties to be established and published.
4. The island of Hong Kong to be ceded in perpetuity to her Britannic Majesty, her heirs and successors.
5. All subjects of her Britannic Majesty, (whether natives of Europe or India,) who may be in confinement in any part of the Chinese empire, to be unconditionally released.
6. An act of full and entire amnesty to be published by the Emperor, under his imperial sign manual and seal, to all Chinese subjects, on account of their having held service or intercourse with, or resided under, the British government or its officers.
7. Correspondence to be conducted on terms of perfect equality amongst the officers of both governments.
8. On the Emperor's assent being received to this treaty, and the payment of the first six millions, her Britannic majesty's forces to retire from Nanking and the grand canal, and the military post at Chinhae to be also withdrawn; but the islands of Chusan and Kolongsoo are to be held until the money payments and the arrangements for opening the ports be completed.

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U. S. SHIP CONSTELLATION,  
*Macao Roads, October 8, 1842.*

The address of Commodore Kearny, commander-in-chief of a squadron of United States ships, respectfully represents that he learns with deep interest the high Imperial commissioners deputed to arrange commercial affairs with the British are expected in a short time to arrive at Canton, and that a commercial treaty is to be negotiated to operate in favor of "British merchants" exclusively.

The undersigned is desirous that the attention of the Imperial government might be called with respect to the commercial interests of the United States, and he hopes the importance of their trade will receive consideration, and their citizens, in that matter, be placed upon the same footing as the merchants of the nation most favored.

The undersigned does not press this matter at present, but, trusting to the good and friendly understanding which exists, he submits the case, and has the honor to be

Your Excellency's most obedient servant,

L. KEARNY.

To the GOVERNOR of Canton, &c., &c.

To Commodore Kearny, &c. :

Ke, guardian of the young prince, member of the Board of War, member of the Imperial cabinet, and Governor of the two Kwang Provinces, states, in

reply to the subject of the 10th of the 9th month, (13th October,) that I have received your polite communication relating to the English commerce. I, the governor, have ever hitherto treated the merchants of every nation with the same kindness. Moreover, the Americans who have come to Canton have had free commerce, month after month, and year after year. These merchants have been better satisfied with their trade than any other nation; and that they have been respectfully observant of the laws, is what the august Emperor has clearly recognised, and I, the governor, also well know. How, then, should I not rather, on the cessation of difficulties with the English, wish to show favor to them? Now, I have ordered the Hong merchants, with the said English nation's merchants, to devise beforehand, and to wait the arrival, in Canton, of the Imperial commissioners, great ministers of state. When I shall have received the newly devised regulations concerning the free trade of the English, then I, the governor, together with the lieutenant governor and Tartar General, will immediately deliberate upon the proper adjustment of the regulations, and will make a representation to the Emperor that he may hear and direct what shall be done.

Decidedly it shall not be permitted that the American merchants shall come to have merely a dry stick, (that is, their interests shall be attended to.) I, the governor, will not be otherwise disposed than to look up to the heart of the great Emperor in his compassionate regard towards men from afar, that Chinese and foreigners with faith and justice may be mutually united, and forever enjoy reciprocal tranquillity, and that it be granted to each of the resident merchants to obtain profit, and to the people to enjoy life and peace, and universally to participate the blessings of great prosperity, striving to have the same mind.

This is my reply.

CANTON, *October 15, 1842.*

The above is a faithful translation.

PETER PARKER.

CANTON, *October 19, 1842.*

SIR: The war in China being at an end, and peace restored by a treaty concluded in favor of British merchants, by Sir Henry Pottinger, with the Chinese high commissioners, on the 29th of August last, induced me to address a note to the viceroy, requesting the attention of the imperial government to the importance of the American trade, and claiming for the citizens of the United States the same commercial privileges in China as may be granted to the nation most favored. I enclose you a copy of the governor's reply, which may be considered very favorable; and it is communicated for the information and satisfaction of those concerned.

Our commercial privileges in China, it would appear, are to be based upon those of the English, and subsequently thereto, so that some months will elapse before any further steps can be taken; and therefore it is proper I should proceed on my cruise, and I have to inform you of this intention. I hope to sail from Macao about the 1st of next month, of which the merchants may be informed who have communications for the west coast.

I will be obliged if you will, in the mean time, furnish me with all the

political and commercial information which may be obtained calculated to promote the interests of the United States and their citizens.

Respectfully, your obedient servant,

L. KEARNY.

To P. W. SNOW, Esq.,  
U. S. Consul, Canton.

CANTON, October 20, 1842.

SIR: Your letter of yesterday, enclosing a copy of the governor's reply to your communication, I have had the honor to receive. This answer must be very satisfactory to you, and evinces a disposition, on the part of this government, to grant every reasonable call on them by a representation of our own, particularly when backed by a heavy man-of-war.

You notify me in your letter of your determination to leave this station on the first of next month. This I regret extremely to learn, at this critical moment, when a new order of things is about to take place; when commercial regulations of the first importance to the interest of our merchants and to our nation are to be made, and the payment of debts due from the Cohong to American citizens is to be demanded, (for Sir Henry Pottinger has received the money for the English claims.)

The magnitude of our trade, the contemplated duties at home on imports from here, affording a very large revenue of far greater extent than the whole South American trade combined, the great increase of imports of native products of our own country, altogether leave not a doubt on my mind that it can never be the intention of our government to leave us entirely at the mercy of this.

You have been here long enough to know the prompt and immediate action by this government on communications from the commanders of an American squadron.

It is my firm belief that your stay here until the middle of February next is of the utmost importance. The continuation of your cruise to the west coast of America, where there is always an ample number of ships of war, will be considered, I think, by our government, of minor importance compared with the unprotected state our trade would be in if you leave here at the time you name.

If your orders are not positive for your visit to the west coast, let us hope you will continue on this station until all the arrangements with this government and Sir Henry Pottinger shall have been completed; when I shall consider the war at an end, and not before.

I am, with great respect, your obedient servant,

P. W. SNOW,  
United States Consul.

Commodore L. KEARNY,  
Commanding United States squadron.

[No. 35.]

UNITED STATES SHIP CONSTELLATION,  
*Macao Roads, November 15, 1842.*

SIR: I have the honor to acquaint the department with the present state of affairs in China, which have not differed materially from the condition represented in my despatch No. 32.

Since that period I have visited Hong Kong and Canton, and had the following correspondence, (copies subjoined,) which will afford the necessary information to account for my present delay on this coast.

I am persuaded there will be no difficulty thrown in the way of American interests by the Chinese; and I only yield to the urgent representations of the United States consul, and remain here to quiet the minds of the merchants, and with the hope that the good understanding which exists with the authorities of Canton may be extended to the Imperial officers and government. I am happy to say such has been maintained in my intercourse with the authorities.

It is not improbable my stay at Canton during the negotiations on commercial affairs between them and the English, and the presence of this ship, will be useful. Should it become necessary to make demands in favor of equal rights and commercial privileges, it cannot fail to have a beneficial effect.

As the plenipotentiary and Imperial commissioners are not expected from the north for a fortnight or three weeks, it affords me the opportunity of making my first visit to Manilla; and I have the honor to inform you that I sail to-morrow, and that the officers and crew enjoy uncommonly good health.

I regret to say that the sickness in the northern ports, the past season, has been so great as to deprive me of visiting them. The French frigate *Erigone* has just returned from the north with half her crew disabled from disease; and the loss of the British has been too great to allow a belief that they could have held out longer; and therefore the sudden conclusion of a treaty on their part was as acceptable to them as it was to the Emperor, whose losses were much increased by hordes of native robbers, and his hopes of success lessened by fears of revolts and desertions, which seemed to keep pace with the successes of the enemy.

I have the honor to be, very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding U. S. squadron, East Indies.*

The Hon. the SECRETARY OF THE NAVY, *Washington.*

CANTON, *January 5, 1843.*

SIR: We beg to call to your official notice that our claims upon the Chinese government, for losses by the riot of the 7th ultimo, have been presented through the Hong merchants, but have not yet been replied to.

As a direct communication with the authorities might cause a speedy settlement, we have to request that you will communicate the above fact to Commodore Kearny, and beg of him to consider whether the presence of himself and his ship at Whampoa, and of himself at Canton, would not further these interests, which must depend upon him for protection.

Respectfully, your obedient servants,

AGUSTINE HEARD & CO.

EDWARD KING, Esq.,

*American Consular Agent, Canton.*



CANTON, January 5, 1843.

SIR: I beg to hand you the enclosed copy of a letter addressed to me by Messrs. Augustine Heard & Co. of this place, respecting their claims on the Chinese government for losses sustained by the riot which occurred here on the 7th ultimo. You will notice that they desire your protection and assistance, and I am inclined to believe that your interference would hasten the settlement of their claims.

I am, respectfully, your obedient servant,

EDWARD KING,

*Consular Agent of the United States of America.*

Com. LAWRENCE KEARNEY,

*United States ship Constellation, Macao roads.*

U. S. SHIP CONSTELLATION,

*Macao Roads, January 9, 1843.*

GENTLEMEN: I have duly received your communications of the 5th instant, and have forwarded by this mail my reply to the several suggestions therein mentioned.

I have addressed the viceroy through the consulate, as a preparatory step, and Edward King, esq. will communicate the contents to you.

In the mean time I would suggest that you prepare a particular schedule of all the articles, and amount of cash, &c., and transmit it, with what other documents you may think necessary, to me, in case the government do not settle the affair on the present footing.

Very respectfully, your obedient servant,

L. KEARNEY,

*Commanding U. S. squadron, East Indies.*

Messrs. AUGUSTINE HEARD & Co., Canton.

U. S. SHIP CONSTELLATION,

*Macao Roads, January 9, 1843.*

SIR: I have received your several communications of the 5th instant, covering a copy of a letter from Messrs. Augustine Heard & Co. to you, stating that "their claims upon the Chinese government for losses by the riot of the 7th ultimo have been presented through the Hong merchants, but have not yet been replied to;" and "as a direct communication with the authorities might cause a speedy settlement," they have requested you to communicate the above facts to me, wishing me to consider "whether my presence at Canton, and this ship at Whampoa," would not further these interests.

In reply to this I have to state, that so far as such a step is to operate upon the provincial government by a show of force, it would seem unnecessary, with regard to the means, at least, of obtaining payment for losses incurred by unwarrantable acts of mobs, and reparation for injuries suffered by foreigners, or any citizens of the United States *in particular*, who cannot be obnoxious to a people they have never injured themselves.

After a careful and just estimate of the amount lost by the house aforesaid, and an application shall be transmitted to the viceroy, duly authenti-

cated under the seal of the United States consulate, I am inclined to believe that full justice will be done, without an interference on my part.

Confident in the fairness of the claim, as well as in the high sense of honor, to say nothing of the friendly disposition, of the viceroy, I am willing to leave the subject in the present state, conveying my sentiments herein expressed through you to his excellency, with a request that you will communicate the same to him and to Messrs. Augustine Heard & Co.

The decision which his excellency may be pleased to come to can be communicated to me from his reply to you ; and if my presence at Canton shall then be necessary to my fellow-citizens, in aiding them in any way, or my official action in this case shall be considered more satisfactory to the provincial government than the consulate's, I shall not hesitate to afford all my assistance, and comply with equal pleasure with your other suggestions, should you not receive a prompt reply to your address.

I am, very respectfully, your obedient servant,

L. KEARNY,

*Commanding U. S. squadron, East Indies.*

EDWARD KING, Esq., *U. S. Consular Agent, Canton.*

CANTON, *January 5, 1843.*

DEAR SIR: We had the pleasure to day to hear of your arrival at Macao, and you have doubtless heard of the attack upon a number of the foreign factories, of the destruction by fire of the English, Dutch, and Creek factories, and the plunder of such of them as were occupied, by a Chinese mob. We are among the sufferers, our house having been burned, with all the furniture, goods, &c., it contained ; and, after the fire subsided, the treasury was forced, and about half the money, say nearly \$230,000, belonging to us and our constituents, was taken off before we could procure aid to enable us to retake our premises. We have, many days since, made a statement of our losses, and sent it to the authorities, claiming reimbursement, but have received no reply of any sort. On the 1st instant one of our coolies was taken before the principal city mandarin, and has not yet been returned to us, but has been severely punished, it is said, for refusing to testify that the house was fired by accident. We have remonstrated against these proceedings, and the detention of our man, but get no reply.

I have thus briefly stated our case for your consideration, and would suggest that we think the presence of yourself and ship at Whampoa, and of yourself here, would have a most desirable effect in bringing the mandarins to a quick sense of justice.

I have the honor to be, with respect, your obedient servant,

AUGN. HEARD.

Commodore L. KEARNY.

MACAO, *January 7, 1843.*

SIR: I beg to hand you a letter which I received this morning from Augustine Heard, esq., an American gentleman residing at Canton, on the subject of an attack by a Chinese mob on his dwelling-house ; which was

burned, with its contents, and a large sum of dollars plundered. Mr. Heard thinks that your presence at Canton will tend to bring the mandarins to a sense of their duty in relation to the claims which he has on the government in this matter; in which opinion I fully coincide—though, of course, you will be governed therein as your own good judgment may dictate.

I have the honor to remain, sir, very respectfully, your obedient servant,  
**JAMES P. STURGIS,**  
*Vice Consul of the U. S. of America.*

**LAWRENCE KEARNY, Esq.,**  
*Commodore of the U. S. East India squadron, Macao roads.*

UNITED STATES SHIP CONSTELLATION,  
*Macao Roads, January 14, 1843.*

SIR: I have duly received your letter of the 7th instant, covering a communication from Augustine Heard, esq., an American citizen, on the subject of his losses by the mob at Canton.

I send you herewith copies of my letters on that subject, and I am prepared to act further as circumstances may require.

In handing you the enclosed for your information, I shall be glad to hear from you with regard to any measures or advice you may think proper to suggest, both with respect to this affair or any other matters, for the better interests of the United States or their citizens in China.

Very respectfully, your obedient servant,

**L. KEARNY.**

To **JAS. P. STURGIS, Esq.,**  
*United States Vice Consul, Macao.*

P. S.—I have just understood that the Imperial commissioners have arrived at Canton; and as the details of the treaty are to be made out and new regulations for trade will be entered upon in favor of British merchants, I beg leave to suggest the propriety of the American merchants submitting their views as to what relates to themselves, upon which a representation could be made for the benefit of the interests of the United States.

CONSULATE UNITED STATES OF AMERICA,  
*China, Macao, January 15, 1843.*

SIR: I have the honor to acknowledge the receipt of your communication of the 14th instant, covering copies of your replies to letters received by you from the consulate at Canton, and from Messrs. Augustine Heard & Co., of that city, on the subject of a claim made, or to be made on the Canton government for depredations committed on the premises of those gentlemen, by a Chinese mob, which attacked and burned their dwelling house and contents, and plundered them of a very large amount of dollars. As Mr. Heard has communicated with me on the subject, asking your interference and influence to be brought into action for the purpose of obtaining that reparation which is unquestionably due from the local authorities (but for whose supineness these outrages could not have been committed) for

these most gross attacks on the citizens of a government always friendly to China, I would, as before written, suggest that you should, as soon as circumstances admit, proceed in your frigate as far as second bar in Canton river; and after awaiting there, a reasonable time, the result of an application which will be speedily made, through the consulate, to the viceroy of Canton, on the subject of indemnification and reparation to the parties aggrieved, then proceed to Canton where your presence must, in my opinion, elicit a speedy and favorable termination to the matter in question.

As regards matters connected with the trade of our country and China, they are generally favorable, though in some particulars the American merchants have just cause of complaint against the Canton authorities, in common with traders of other countries. These affairs will, I presume, be fully discussed between the Imperial delegate and Sir Henry Pottinger, at their contemplated interview, and arranged in a manner satisfactory to the British merchants in China and those connected with Chinese affairs; and as the United States are fully and fairly entitled to all the privileges which this government may cede to other foreign flags, I would suggest that a meeting of the American merchants at Canton be called, for the purpose of considering and representing to you, through the consulate, their ideas and views on the subject of our trade and intercourse generally with the Chinese, to be by you submitted to the Imperial commissioner. Our position in China is merely one of traders; and consequently we can ask for nothing more than is requisite for the conducting of our intercourse on a footing that may secure to both Chinese and ourselves the means of conducting our trade in a mode that may be satisfactory and honorable to both parties.

I have the honor to remain, sir, your most obedient servant,

JAMES P. STURGIS,

*Vice Consul of the United States in China.*

L. KEARNY, ESQ.,

*Commodore of the United States East India squadron.*

CANTON, January 25, 1843.

DEAR SIR: I have your favor of Monday, and write a line to say that I have not received any answer from the governor in reply to my communication. If he intended to dispute the claim, I should probably have heard from him before this time. I send in another letter to-day, informing his excellency that no reply had reached me, and calling the settlement of the claim to his early attention.

I expect the Hong merchants will be forced to pay the claim, from what I hear from them.

I hope to hear of your being at Whampoa, as it may be necessary for you to interfere in this business after all.

Yours truly,

EDWARD KING.

Commodore L. KEARNY.



CANTON, *January 16, 1843.*

The American consular agent, King, has been requested by his countryman, Mr. Heard, to lay before his excellency the enclosed statement of losses, amounting to \$253,430 50, sustained in consequence of the plunder and burning of his factory (No. 1, Dutch) by the Chinese mob on the 7th December, and to ask for payment. The said statement having been sworn to, he forwards it accordingly, and respectfully requests that Mr. Heard's losses may be made good to him.

Of the fairness of the claim now presented the undersigned and his nation's commodore, Kearny, are fully persuaded; and they cannot doubt that his excellency, who must be aware of all the circumstances, will view the subject in the same light, and order an early settlement thereof.

EDWARD KING,

*Consular agent of the United States of America.*

To his Excellency the GOVERNOR OF CANTON, &c., &c.

[No. 38.]

UNITED STATES SHIP CONSTELLATION,  
*Macao Roads, January 16, 1843.*

SIR: I have the honor to acquaint you with my proceedings since my last communication (No 37.) from Manilla, and to inform you of the principal events since that date.

I sailed from Manilla on the 25th ultimo, and arrived on the 1st instant at Macao. On the 7th instant I received a communication from James P. Sturgis, esq., United States vice consul, covering a letter from an American merchant at Canton, of the firm of Augustine Heard & Co.; and likewise a communication on the same subject from Edward King, esq., United States commercial agent, relating to a riot in that city, stating the loss of a large amount of dollars, and the burning of the dwelling and contents of said firm, and that no reply had been received to their application for remuneration for the heavy losses sustained by the event.

Under the impression myself that the mob arose out of other causes than an unfriendly disposition towards Americans, and that the authorities will be disposed to make full reparation for the losses, I have deemed it best to reply to the communication before mentioned, in a letter to the consulate, and requesting that another address may be sent to the viceroy on the subject, and my sentiments conveyed to him therein.

I have heard nothing further, and therefore apprehend the Hong merchants have withheld the communications from the governor, they being aware of the nature of them, and knowing they will be called upon to make good the amount of damages, as is usual in all cases relating to demands made by foreigners.

I have, therefore, deemed it my duty to proceed to the river, and send in an address, by an officer of this ship, to the governor, who will, it is believed, cause reparation to be made; which, when done, the copies of the correspondence will be forwarded to the department.

I shall avail of this occasion to renew my attempt to secure the commercial interests of the United States, now that the important business of making out the details of the treaty, and devising new regulations for "British merchants," is pending.

Political affairs in China have been in the same posture since September last, and I availed of the occasion to visit Manilla, for the purposes referred to in former letters. I have to state, however, that while the present anti-English feeling exists so generally with the Chinese, there can be little dependence upon a treaty, or the laws, to preserve order; and hence the long continuance of a peace may be considered a matter of uncertainty.

The Emperor has invested the head commissioner, Elepos, who arrived at Canton on the 10th inst., with powers to arrange affairs with the British plenipotentiary; and unless a special provision for other than British vessels to enter the five ports is made, which it is not probable would be voluntarily inserted, the trade of the United States would be subject to being cut off, until a treaty could be entered into. I beg leave to state, in connexion with this matter, that the schooner Mazeppa is now in the north, with a cargo of American cotton goods, where it appears the mandarins are now under the impression that *English vessels* only were to be allowed to enter and trade.

I do not understand that any provisions are to be made for any other flag, as, in a casual conversation with Admiral Sir Thomas Cochrane, I understood him to say, "other nations must look out for themselves;" and, therefore, conceiving an early attention to this matter would meet your approbation, I immediately addressed the governor of Canton in behalf of the United States, and herewith transmit a duplicate copy of that correspondence.

I have the honor to be, very respectfully, your obedient servant,

L. KEARNY,

*Commanding the U. States squadron in the East Indies.*

The Hon. the SECRETARY OF THE NAVY,

*Washington.*

Yih, the Quang chow-foo, proclaims to Honqua and the other Hong merchants, for their full information, that he has received an official communication from his excellency the Governor General Ke Kung, stating that "he had received the petition of King, consular agent of the U. S. A., which declares that, upon the 7th December, the foreign barbarian Heard, who resided in the Dutch Hong, sustained losses in specie and merchandise, by the burning and plundering his house by the mob, to amount of \$253,430 50. It was on the 12th January, 1843, he petitioned, requesting his excellency the Governor General to issue his orders for the settling of this loss; but not having received any answer, and the merchants from afar, the barbarians Heard & Co., being urgent for an early settlement, he therefore respectfully petitions again, and begged his excellency at an early day to examine and give orders that it be done, and sincerely superlative will be his great virtue, &c., &c."

"Before these came, I had examined and repeatedly issued my orders, and commanded the Quang chow-foo to transmit my edict to the Hong merchants, that they, with the barbarian merchants, should investigate and properly settle this business. Now, of different nations, barbarian merchants have in two instances petitioned me, and all their losses are \$43,552. But more than twenty of the plunderers have been seized, who testify the losses were not over several ten thousands, and certainly not \$250,000."

The said consul's account is manifestly excessive. The night the barbarian's residence took fire, a multitude of eyes saw all the things that were lost, (and know the amount could not be so immense.) Furthermore, this affair occurred in the thirteen foreign factories; still more, therefore, cannot the Hong merchants shuffle, and say they do not know the state of the case. The conclusion is, that whatever may be the true amount of losses, and what is right to be done, the Hong merchants alone are to be questioned. I have accordingly issued my orders to the Quang-chow-foo, agreeably to my repeated injunctions, to settle this affair, to command the Hong merchants, Honqua and others, with certainty and truth to make a clear examination, and speedily make a proper settlement."

"Hitherto it has been the duty of these merchants to settle all concerns relating to foreigners; and now, the present affair occurring in the thirteen factories, they can by no means deny their responsibility. If they can settle it immediately, they may still have some semblance of zeal for the public good. If they again follow their own idea, putting it off, only causing delay, putting their hands in their sleeves as though they had nothing to do with it, so that the foreigners perpetually trouble me with their complaints, the said Hong merchants cannot escape the due punishment of their offence. Let the Quang-chow-foo tremblingly and truly hasten and order the Hong merchants to take the circumstances of the case and manage it, first transmitting my edict to the said consul, King, for his information."

"Let there be no opposition," &c., &c.

Having received this command, I have ordered the Namhaehéén to act accordingly, and to convey the edict to the said Hong merchants, that they, in obedience to my repeated injunctions to settle the affair immediately, with certainty and truth make a clear investigation and properly manage the concern.

Tremblingly and truly hasten and take the circumstances, and investigate and manage the business, first transmitting the edict to the said consul, King, for his information.

Let there be no opposition.

A special edict.

TAOU KWANG, 23d year, 1 moon, 3 day, (February 3, 1843.)

True translation :

PETER PARKER.

*Literal translation of Commodore Kearney's despatch, in Chinese, to the Governor General, Ke.*

The American nation's man-of-war, Captain and Admiral Kearny, having arrived at Whampoa, communicates with his equal his excellency the governor general of the two Kwang.

Touching the affair of Taou Kwang the twenty-second year, the eleventh month, and the seventh day, the outrage of the burning of factories and plundering my American nation's merchants of merchandise and foreign money, I am happy to know that your excellency, the governor general, is informed; and I, the admiral, also know that your excellency has issued his proclamation to repay my American nation's men their lost treasure. Now I, the admiral, have ascertained that as yet my American nation's men's losses

have not yet been paid, because the Hong merchants state, saying that they themselves are unable to collect so much money. I, the admiral, request that your excellency will look to this affair, as three months have already passed, and four more are required before the losses shall be repaid.

My nation's merchants who have sustained these losses, *these men*, state that the Hong merchants wish to give bonds in four months to settle the account; but this arrangement my nation's merchants do not like, and reject it.

I, the admiral, will not determine what is right to be done, but leave it with your excellency to order what is right and just, in order that your excellency's proclamation of the second month and third day to the Hong merchants may be obeyed; i. e. the proclamation in answer to the respectful petition of my nation's vice consul, King, dated Taou Kwang, the twenty-second year, twelfth month, and the sixteenth day.

It is on account of this business that this communication is made.

The foregoing communication is made to the guardian of the young Prince, member of the Board of War, Member of the Imperial cabinet, and Governor General of the two Kwang provinces, Ke.

On board the man-of-war named Constellation, now anchored at Whampoa, Taou Kwang, the twenty-third year and the second month.

MARCH 15, 1843.

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*Reply of the Governor General of Canton and Kwangse to a communication of Commodore Kearny, of March 15, 1843.*

*To the honorable the American Commodore :*

Ke, the Governor General of Kwangtung and Kwangse, member of the Imperial cabinet and Board of War, and guardian of the young Prince, makes this reply to the communication he has received, and which he fully understands.

According to the established laws of the celestial dynasty, whenever, among the people, any sustain losses by theft, it is absolutely requisite to seize the offender, and persevere to the utmost that the original goods that have been stolen may be restored. In the present case, the property lost and stolen should, in justice, as it is found among the offenders with the (owner's) name upon it, be seized and delivered up; but since the amount is exceedingly great, it cannot at this time be taken and restored. Therefore, the governor has issued this proclamation, ordering the Hong merchants positively to arrange, (for the emergency,) for the governor compassionates the wishes of men from afar. But now the Hong merchants, in settling this affair, instead of paying back the identical property plundered, have fixed upon a plan, viz: they have sent up their petition stating that being unable at this time to meet the demand, they have taken care to settle it positively; that within the month of July next they will pay the losses. But your honor, the commodore, has communicated that "your countrymen dislike this arrangement," &c. Previously to the receipt of this communication, the governor had ascertained that the sum due for merchandise and treasure was not small. Now it devolves on the Hong merchants, as is right, to pay off all the debts, (due to different foreigners,) and these are exceeding great. That it is difficult at this time to pay all alike, as stated in their petition, is



really true. What the commodore has communicated—that his countrymen cannot wait a long time for their pay—is self-evident, and according to the principle of human reason; and the governor has now ordered the Hong merchants strenuously to endeavor positively so to manage as to settle one month earlier, (than they propose,) that within the period of June next the debt be paid without fail.

On a former occasion, the governor received your honor the commodore's communication, requesting him, in his behalf, to "solicit the favor of the august Emperor to allow the merchants of his honorable nation to trade upon the same terms as those granted to the merchants of other nations," &c. As in duty bound, the governor having already addressed the Emperor clearly upon the subject, waited the coming of the high commissioners at Canton, where they were in concert to attend to the foreign relations; but the Tartar General, Eleepie, having arrived at this city, but a short time elapsed, when, most unfortunately, on account of disease, he "went out of office," (i. e. deceased)—so that whatever may be just and equal in the trade of each nation, remains unsettled. It is therefore necessary to wait the arrival of his successor; and when some plan is adopted, then a personal interview may be held with your honor, the commodore, and, face to face, the relations between the two countries may be arranged, and the same be reported to the Emperor. This is the reply.

TAOU KWANG, 23d year, 2d moon, 17th day.

(*March 17, A. D. 1843.*)

A true translation :

PETER PARKER.

MACAO ROADS, *April 13, 1843.*

Kearny, commodore of the American ships of war, and directing his country's affairs in China, hereby explains, and respectfully informs your excellency more particularly regarding your excellency's former communication, in which were some expressions respecting the trade and unsettled business between the two countries.

The commodore is led to believe that your excellency has misapprehended the meaning of his communication of last October; and in your excellency's communication of the 17th ultimo, which the commodore has received, and which he has carefully read, he concludes that your excellency supposes him to have received extensive powers from his own government—able to manage the weightiest affairs, and qualified to settle a treaty with the Imperial commissioner, which, after being ratified by his Imperial majesty, shall become a permanent treaty between our two countries. I, the commodore, perceiving your excellency cherishing this good feeling, have already respectfully memorialized my sovereign fully regarding it. If, however, his Imperial majesty will declare his will on this point, my country will no doubt rejoin to it in the same spirit of amity, and straight return an answer, and send a high officer to China, who, in connexion with the Imperial commissioner, will deliberate and settle a permanent treaty of lasting peace and friendship. But to commence this good thing, to open this road of mutual benefit, belongs to his Imperial majesty of China; for, to take that which will highly benefit another country, and beg that country's favor to permit, is rather demeaning one's self and hon-

oring another. America is a highly prosperous and great country, and needs to ask no favors of another country.

Regarding his communication of last October, the commodore requested your excellency to inform his Imperial majesty that his countrymen at present living in China ought to be treated with kindness, and their rights regarded as they properly ought to be. If your excellency, on reading these words, inferred that the commodore was begging a favor from China, then your excellency was undoubtedly mistaken; for no such thing was meant. Moreover, his own country would not allow him to do any act derogatory to the high honor of either country. It is, rather, the desire of the commodore always to obey his own country's high commands; and in any case to advise as to the means of attaining national benefits, does not appertain to him. But if he can be the means, although for a short time, of procuring these great benefits for the trade of his country, it will afford him the highest pleasure. If the governments of America and China fully know the Imperial will, all difficulty will in future be prevented; for the laws of his country forbid all interference in the internal policy of other countries; and, therefore, China need have no apprehension of subsequent difficulties arising. But there are persons in all countries, who, grasping for gain, and to benefit themselves alone, never regard the national honor; they who scheme for profit, and in all ways transgress laws, trampling down all obstacles in their path, are of this sort; those, too, who by opium (gaining great profits) are getting their living, it is well known, belong to the same class. The commodore has no other object besides maintaining peace and quietness for his countrymen trading here legally; and if others are seized by the Imperial cruisers, in the act of smuggling opium into China, then let them be judged and sentenced according to the laws.

Your excellency's kind expression in a former communication has been received with gratitude—"that his countrymen have been observant of the laws—contented, more than any other nation's merchants, with their trade." The commodore has sincere pleasure in respectfully reporting this testimony to his sovereign.

What course may be pursued in future, and how long the peace and trade can be maintained, rests with the Emperor; and, also, whether his countrymen can trade here on the same terms with the merchants of other countries, is a very weighty matter, and he requests your excellency to examine; for, if it cannot be equally permitted, it will cause much unfriendly feeling in his own country.

The commodore also avails of this communication again to say, that what his Imperial majesty grants to the traders from other countries, his own sovereign will demand for his merchants. And to prevent any subsequent difficulties, your excellency will readily perceive, that, in order to negotiate a permanent treaty between the two countries, and settle the terms of amity and friendship, the sovereigns of both countries ought to appoint high officers to negotiate thereon, and settle the terms of a lasting treaty, which would be a great benefit.

Your excellency's former communication has been received, in which the time for the Hong merchants to pay the losses of his countrymen was fixed in the second decade of the 4th month. His countrymen, regarding this time as very long, have repeatedly sent to me, requesting that the high officers would order the Hong merchants to pay these losses immediately, according to the accounts already rendered. The commodore knows that

your excellency will not allow this trifling matter of trade to be the cause of future embarrassment ; and he therefore requests your excellency at once to order the Hong merchants to pay it. Besides settling the matter of these losses, the commodore has no further business ; and thus to be delayed by your excellency, he cannot regard with pleasant feelings. His countrymen's property was plundered by a mob ; and because the high officers thus delay to repay their losses, the commodore has already remained in Canton three months alone. He cannot, therefore, again bring this business before your excellency, but must respectfully memorialize his own sovereign regarding the whole matter from beginning to end.

The commodore has now no other business in China, and only awaits your excellency's reply, to return home.

With sentiments of high consideration, &c., &c.

To his Excellency KE,

*Governor General of Kwangtung and Kwangse.*

—

Ké Kung, minor guardian of the heir apparent, President of the Board of War, and Governor General of the provinces of Kwangtung and Kwangse, hereby returns an answer :

I have received your communication, with which I have made myself fully acquainted. The various particulars relating to the commercial duties to be paid by each country are all to be regulated uniformly by one rule, without the least partiality manifested towards any one. As to what duties are to be increased, and what diminished, or what perquisites are to be retained, and what done away with, are, as your excellency no doubt already knows, at present matters of public and equitable negotiation with the English. We are waiting the arrival of the Imperial commissioner to conclude the negotiations ; and after they have been laid before his majesty and approved, they will then pass into force in a uniform manner for every country. They will not enable the English alone to derive advantage therefrom, while other countries are still restricted in their trade.

His Imperial majesty's commands have already been received, permitting the English to carry on trade at the newly opened ports of Fuchan-foo, Ningpoo, and Shanghai ; but whether other countries will be in the same manner allowed to trade there, I, the governor, cannot presume here to decide upon. It will be necessary to await the arrival of the Imperial commissioner, who will lay all the circumstances before his majesty, and request instructions how to act.

Respecting the matter of a treaty, upon which you remark, it is well known that your honorable country is amicable and well disposed in the highest degree ; but, during the two hundred years of intercourse between China and other countries, there has never been an interchange of treaties. Recently, indeed, because we and the English have been in collision for successive years, and the two parties mutually distrusted each other, a treaty of peace was mutually drawn up in order to remove all suspicion and jealousy. This arose solely because harmony did not exist. But, if our two countries carry on the trade as usual, there will, of course, be peace between us, and no formal compact will be necessary in addition. It would be an unnecessary and circuitous act. I beg your excellency to consider upon this matter, (and see if it be not so.)

Respecting the remuneration to American merchants, for their property lost, I have transmitted urgent orders to the Hong merchants to have it ready for delivery at the time appointed in the fourth month, according to the amount agreed on. That time will speedily be here, nor shall the matter be delayed any longer than that time.

To his Excellency the AMERICAN COMMANDER.

CANTON, TAOU KWANG, 23d year, 3d moon, 17th day, (*April 16, 1843.*)

True translation :

S. W. WILLIAMS.

UNITED STATES SHIP CONSTELLATION,  
*At anchor in the Bogue, April 19, 1843.*

SIR: You will oblige me if you will give me the names of the American vessels which have arrived from the United States, and which remain on this coast, since the year 1840. Also, what vessels have discharged their crews in consequence of any alleged sale of aforesaid vessels; and what vessels under the American flag are to be recognised as lawful traders on this coast—by which I do not intend to include those in the regular tea trade.

I have sent a boat down with a letter from the governor, to be translated; and as much depends upon its contents, I request an early reply, that I may understand how to act in case I fall in with any more opium smugglers.

I am, very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding the United States East India squadron.*

To JAMES P. STURGIS, Esq.,

*Vice Consul of the United States in China.*

CONSULATE OF THE U. S. OF AMERICA IN CHINA,  
*Macao, April 20, 1843.*

SIR: In reply to your letter of yesterday's date, I beg to inform you that the following specified vessels are such as have arrived in China in 1841, and 1842 and '43, and are now in this country, (in part) though the absent are expected to return, viz:

Schooner Anglona—sold to the English; now in the opium trade under British passport; crew discharged; register sent home.

Schooner Princess—sold to the English; now on a voyage to Bombay; crew discharged, and register kept in this office. She is now called the Petrel, and sails under British pass.

Schooner Ariel—sold to Mr. George W. Frazer, an American, and commanded by a Mr. Shannon, of the U.S. navy, as he says. This vessel is in the opium trade, and really owned by Englishmen; crew discharged and register kept.

Schooner Mazeppa—sold to the same, and commanded by him; situated the same as the Ariel; register detained by me.

Schooner Gazelle—American, from Boston, engaged in the opium trade under charge of an English house.



Schooner Zephyr—American, T. M. Johnson, master, now on a voyage to Bombay ; crew discharged here. She is coming back to China.

Brig Sarah Abigail—sold by the master, Isaac S. Doane ; crew discharged, and register sent home. She is American owned.

Barque (or ship) Lark, Captain Tibbits ; waiting for employment.

Ship America—condemned and sold to the English ; now bought by Americans, and called the New Lintin. She is a store ship.

Ship Lema—Captain William Poor; bought from the English by Americans ; is now at Whampoa, but how employed I am not aware.

I have the honor to remain, sir, with much respect, your very obedient servant,

JAMES P. STURGIS,

*Vice Consul of the U. S. of America.*

Commodore L. KEARNY,

*Commanding U. S. East India squadron.*

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*To American merchants and others.*

All persons having goods, merchandise, or treasure to ship from one port to another on this coast, are hereby cautioned against intrusting the same on board any vessel in the "opium trade," sailing under the flag of the United States of North America.

Dated on board the United States frigate Constellation, harbor of Amoy, coast of China, this 18th day of May, A. D. 1843.

LAWRENCE KEARNY,

*Commanding the U. S. squadron in the East Indies.*

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UNITED STATES SHIP CONSTELLATION,  
*Macao Roads, April 21, 1843.*

SIR : Herewith you will receive a copy of the governor's reply to my last communication, which is respectfully referred to as the result of my late visit to the river ; and as far as the same may be considered a matter of interest to yourself and our country, it can be used.

I also send you the original despatch from the governor on a former occasion, upon the same subject, a translated copy of which you now have.

The case of Messrs. Heard & Co., with these documents in support of their claim, is now left in your hands ; of which I beg you to acquaint them. Regretting, myself, that it has not been finally settled, I cannot now doubt its being paid at maturity of the order from his excellency.

The aspect of affairs, as seen by your referring to the governor's words respecting our trade, looks as favorable as can be expected, and I shall rest satisfied with having called his attention to the matter, and transmit the case for the information of our government.

I am, respectfully, your obedient servant,

LAWRENCE KEARNY.

JAMES P. STURGIS, Esq.,

*Vice Consul of the United States at Macao.*

[No. 46.]

UNITED STATES SHIP CONSTELLATION,  
*Amoy harbor, China, May 19, 1843.*

SIR: I have to acquaint you that since my leaving Manilla, on the 7th instant, no new case of cholera has occurred on board. The officers and crew are now in good health.

The subjoined list contains the names of those taken and deceased.

In proceeding north, a great change in the temperature, from extreme heat to moderate cool weather, has had the beneficial effect to remove the cause of the malady.

The water procured at Manilla, I am sorry to say, proved impure; and in order to change the stock before going into the Pacific, I have touched at this place. I attribute the general good health, in a great measure, during the cruise, to the plentiful supply of good wholesome water and provisions.

I have also to inform you that the American schooner *Ariel*, a notorious opium smuggler, has just disposed of a cargo of that article in this vicinity. She is one of the vessels referred to in my last despatch. She sails under the American flag, without other authority than a bill of sale to one George W. Frazer, an American citizen, who, without any sort of means whatever, now appears as the owner of very valuable American schooners on this coast in the opium trade. I have ample proof that he does not belong to any mercantile firm whatever, and that he has not been in the United States, nor out of this country, for six or eight years. The American schooner *Mazeppa* and others were expected here momentarily, but I believe have changed their destination, on information of the seizure of the *Ariel* being sent out by their agents. This same adventurer, Frazer, is owner and master of the *Mazeppa*.

The schooner *Ariel* has now on board a valuable cargo for English opium traders in Macao—from one hundred and thirty to one hundred and fifty thousand dollars in Sycee silver alone, and the remainder in camphor; being the return cargo for opium.

The American flag is now the only cover for this illicit trade, Sir Henry Pottinger having issued a proclamation against it; and the English craft having been turned away from the rivers, has placed the Americans in a peculiarly advantageous position as freighters under the flags of the United States.

The British officers have informed me here that their subjects defy them by pointing to the American flag over that contraband article; but I am in hopes that this desecration will receive some salutary lessons before I leave, in case I fall in with any more vessels of this kind.

With regard to the *Ariel*, I have taken her papers and colors from her; and I have obliged her master to discharge the whole of her cargo here, and then he is to return to Macao. Her papers are endorsed by me in a manner which will render them unavailable, and are returned sealed to the consulate. Were it not for the risk, I would send her to the United States; but she capsized once or twice in Boston harbor before she sailed, and is now a dangerous vessel. Should I fall in with any sea-worthy vessels of her character, I shall send them home, that their case may be properly decided by the laws, of which the owners, as well as the consular establishment of the United States, seem to have been clearly regardless in making transfers that are illegal. These sham sales are well known, by which our national character is daily losing ground, and will so continue while

the public consular duties are confided to merchants whose interests are so deeply involved in the transactions before cited.

The subjoined copy of a public notice on this occasion is respectfully presented for your information. The subject has been brought to the knowledge of the Imperial officers by a translation of the same into the Chinese language.

I have the honor to be, very respectfully, your obedient servant,

L. KEARNY.

The Hon. the SECRETARY OF THE NAVY.

U. S. SHIP CONSTELLATION,

*Under way, entrance Amoy harbor, May 21, 1843.*

SIR: I enclose, herewith, extracts from the log book of the schooner "Ariel," and also an extract from the United States laws on navigation. The grounds for taking the Ariel are based on these papers; and of course the "Mazeppa" will be liable to the same seizure, in case I should fall in with her.

I am, very respectfully, your obedient servant,

L. KEARNY.

TO JAMES P. STURGIS, Esq.,

*U. S. Vice Consul, Macao.*

*Extract from the United States Laws on Navigation, Art. 1362.*

"But no such vessel shall be entitled to registry, or, if registered, to the benefits thereof, if owned, in whole or in part, by any citizen usually residing in a foreign country, during such residence, unless he be a consul of the United States, or an agent for, and a partner in, some house of trade, or copartnership, consisting of citizens of, and actually carrying on trade within, the United States."\*

U. S. COMMERCIAL AGENCY,

*Oahu, Sandwich Islands, July 7, 1843.*

SIR: I have the honor to inform you that, on the 25th of February last, a provisional cession of the Sandwich islands was made by his Majesty Kamehameha III, to Captain Lord George Paulet, of H. B. M. ship Carysfort.

The immediate cause of this act will be found in the correspondence which took place between the parties, herewith enclosed, and to which I would respectfully call your attention.

I also enclose to you a copy of a message which the President of the United States sent to the House of Representatives on the 30th of December last, relative to the Sandwich islands, and the report of the Committee on Foreign Affairs relative to the same.

That the government of the United States will adopt any extraordinary measures to secure to his Majesty Kamehameha III the exclusive sovereignty of these islands, a sovereignty which has most unjustly been taken

\* Act 31st December, 1792, sec. 2.

from him, is a question upon which you can form an opinion after perusing the documents above referred to.

I avail myself of this opportunity to communicate to you that intelligence has been received at this office of the death of Commodore Isaac Hull, one of the brightest ornaments of the United States navy. To one who has served his country so long, so ably, and so faithfully, every honor which his country can offer to his memory is due. It is hardly necessary for me to express a wish that the customary measures, expressive of the loss which our country has sustained, be adopted by you on receipt of this intelligence.

With sentiments of regard,

I have the honor to be, your most obedient, humble servant,

WM. HOOPER,

*Acting U. S. Commercial Agent.*

To, Com. LAWRENCE KEARNY,

*U. S. Frigate Constellation, Oahu.*

U. S. SHIP CONSTELLATION,

*Honolulu, Oahu, July 10, 1843.*

SIR: Your letter of the 7th instant, with the accompanying documents, duly received, informs me that a provisional session of the Sandwich islands was made by his Majesty Kamehameha III, to Captain Lord George Paulet, of H. B. M. ship Carysfort, and that "the immediate cause of the act will be found in the correspondence which took place between the parties."

His Majesty Kamehameha III ceding to any power whatever the independence of his islands, and, without resisting, surrendering an undisputed right and sovereignty, is calculated to invite the attention of the government of the United States, and the United States and their citizens would seem to claim a large share of consideration in this matter. Therefore, on behalf of the same, I beg you to publish the enclosed copy of a protest, with this letter.

With regard to "*the correspondence*," I request to be informed what preliminary measures were taken by the commander of H. B. M. ship Carysfort for the safety of the lives and property of American citizens residing at Oahu, previous to 4 o'clock, P. M., of Saturday the 18th of February last, and, if any, what time the announcement of his intention to attack the town, at that time, with said ship, was received, and whether any protest on the occasion was made, or remonstrance against that precipitate course.

It appears to me that when an act is to be attempted, regardless of the rights of others, especially a case involving great and certain distress, by letting loose the bonds of government, it becomes a duty to restrain it a reasonable time by force, to the extent of that force, be it ever so small.

While the United States government refrains from entangling alliances with other nations, and grasps at no power or territory abroad, it would seem but reasonable, that, having no portion of the spoils at the cutting up of the world, it should allow no infringement upon the rights of its citizens.

I am, very respectfully, your obedient servant,

LAWRENCE KEARNY,

*Commanding U. S. East India squadron.*

To WILLIAM HOOPER, Esq.,

*U. S. Commercial Agent, Oahu.*



UNITED STATES COMMERCIAL AGENCY,  
Oahu, Sandwich Islands, July 11, 1843.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday's date, in which you request to be informed "what preliminary measures were taken by the commander of H. B. M. ship Carysfort for the safety of the lives and property of American citizens residing at Oahu, previous to 4 o'clock, P. M., of Saturday the 18th of February last, and, if any, what time the announcement of his intention to attack the town at that time with said ship was received, and whether any protest on the occasion was made, or remonstrance against that precipitate course."

The undersigned would observe, in reply, that no preliminary steps whatever were taken by the commander of H. B. M. ship Carysfort, for the safety of the lives and property of American citizens resident at Oahu, other than that of informing Captain Long, of United States ship Boston, between the hours of 11 and 12 o'clock on the night of the 17th of February, of the hostile measures which he intended to pursue against the Sandwich islands government on the following day. Captain Long immediately handed to me, in person, the communication which he had received from the commander of the "Carysfort," a copy of which was embodied in a public notice issued by me early on the morning of the 18th, tendering to the American residents the ship Boston as an asylum for their families and property.

At about 11 o'clock of the morning of the 18th, Mr. Simpson, acting H. B. M. consul, addressed me a note, stating that unless certain demands, made by Captain Paulet upon the King of these islands, were not complied with at or before 4 o'clock P. M. of that day, "he will at that hour commence hostilities against this government." On receipt of this note, I immediately repaired to the council of chiefs, then assembled to deliberate on the course to be pursued, under existing circumstances, and requested his majesty the King to state distinctly whether the nature of the "demands" was such as would forbid the possibility of his acceding to them. He replied, that so far as the native population were interested they had but little to lose in any attack which might be made on the town, and he had a mind not to accede to "demands" so unjust and oppressive; but, in consideration of the affection (*aloha*) he bore for the many Americans resident in the town, and in consideration of the great amount of property they had at stake, he should probably accede to the "demands," under protest.

Official information of the same having been communicated to me by his excellency the governor of the island, I gave due notice thereof, and the public mind, then under great excitement, became in a measure quieted.

I am not aware that any protest or remonstrance was made by Captain Long, against the precipitate course declared by Captain Paulet.

From this office he could have received none, from the fact of his having refused to acknowledge me, as well as the consul of France, as the representatives of our respective governments:

The undersigned, considering the occupation of these islands by any other power than that of the native government to be an affair of grave importance to the government of the United States, availed himself of the earliest opportunity to forward to the Secretary of State, by a special messenger, a full statement of the transactions of Captain Paulet, and of the provisional cession of the islands to Great Britain.

I shall avail myself of another opportunity to transmit to you a state-

ment of some of the grievances to which the citizens of the United States resident here have been subjected since the assumption of the government of the islands by Captain Lord George Paulet.

With every sentiment of respect, I have the honor to be your most obedient, humble servant,

WM. HOOPER,

*Acting U. S. Commercial Agent.*

To Commodore LAWRENCE KEARNY,

*Commanding U. S. East India squadron, off Honolulu.*

U. S. FLAG SHIP CONSTELLATION,

*Off Honolulu, Oahu, July 11, 1843.*

SIR: I have the honor to transmit, for your information, a copy of my communication to his Majesty Kamehameha III.

The discussion of the subject of the loss of the independence of these islands of Hawaia, and of a forced change in their municipal regulations, to the detriment of the interests of the citizens of the United States of America, may perhaps more appropriately belong to our respective governments. I shall, therefore, withhold all further comment upon questions so grave and important.

Recording this protest, (enclosed,) for the purposes therein expressed, I remain, very respectfully, your most obedient servant,

LAWRENCE KEARNY.

*Commander-in-chief of the U. S. naval force in the East Indies.*

To Captain the Rt. Hon. Lord GEORGE PAULET,

*Commanding H. B. M. ship Carysfort.*

HER MAJESTY'S SHIP CARYSFORT,

*Honolulu, Waahoo, Sandwich Islands, July 17, 1843.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th inst., received this morning, enclosing a copy of your communication with his Majesty Kamehameha III, and have the honor to remain, sir, your most obedient servant,

GEORGE PAULET, *Captain.*

Commodore KEARNY,

*Commander-in-chief of the U. S. naval forces in the East Indies.*

In the name, and on behalf of the people of the United States of America and their government, which the undersigned has the honor to represent, and in order to explain clearly for the information of all concerned, is issued

#### A PROTEST.

Whereas a provisional cession of the Hawaiian or Sandwich islands was made by his Majesty Kamehameha III, king, and Kekauluohi, premier

thereof, unto Lord George Paulet, commanding H. B. M. ship Carysfort, to wit, on the twenty-fifth day of February, eighteen hundred and forty-three: And whereas the United States' interests, and those of their citizens resident in the aforesaid Hawaiian islands, are deeply involved in a seizure of his majesty's government under the circumstances, as well as in the act of the aforesaid King and premier acceding thereto, under a protest or otherwise, to affect the interests before cited: Now, therefore, be it known that I solemnly PROTEST against every act and measure in the premises.

And I do declare, that, from and after the date of said cession until the termination of the pending negotiations between his majesty's envoys and the government of her Britannic majesty, I hold his Majesty Kamehameha III and Captain Lord George Paulet answerable for any and every act by which a citizen of the United States, resident as aforesaid, shall be restrained in his just and undisputed rights and privileges, or who may suffer inconvenience or losses, or be forced to submit to any additional charges on imports or other revenue matters, or exactions in regard to the administration of any municipal laws whatever enacted by the "*commission*," consisting of his Majesty King Kamehameha III, or his deputy, of the aforesaid islands, and the Rt. Hon. Lord George Paulet, Duncan Forbes Mackay, esq., and Lieutenant Frere, R. N.

Given under my hand on board the U. S. ship Constellation, at anchor off Honolulu, Oahu, this eleventh day of July, 1843.

LAWRENCE KEARNY,

*Commander-in-chief of the U. S. naval force in the East Indies.*

To his Majesty KAMEHAMEHA III,

*King of the Sandwich Islands.*

UNITED STATES COMMERCIAL AGENCY,

*Sandwich Islands, July 14, 1843.*

SIR: I am officially informed by his excellency the governor of this island that a seaman, from the U. S. ship "Constellation," has been convicted of horse racing through the streets of Honolulu, in direct violation of the law to prevent the same; and that the man will be confined in the fort until the penalty (five dollars) is paid.

I have the honor to be your most obedient servant,

WM. HOOPER,

*Acting U. S. Commercial Agent.*

Commodore L. KEARNY,

*Commanding U. S. East India squadron, off Honolulu.*

U. S. SHIP CONSTELLATION,

*Off Honolulu, Oahu, July 14, 1843.*

SIR: I am informed that one of my men is confined, under the British flag flying in your town, at the fort.

I cannot recognise any right in your excellency, while the English flag is displayed, to imprison an American citizen in said fort, and therefore I request his immediate release and a new trial, if required.

While disposed to comply with all the laws of the land, under every circumstance, during the provisional cession of this government, I am bound to regard the rights and privileges of every American citizen claiming protection from my own government. Therefore, the act complained of, coming under the Hawaiian municipal laws and regulations, is a matter for serious consideration; and, on the part of the government of the United States, I protest against having their citizens seized by the authorities of these islands and restrained under the British flag—not recognised, at this time, to be the flag of the Hawaiian islands.

In "the official correspondence relating to the late provisional cession of the Sandwich islands," I cannot perceive one word from his Majesty Kamehameha III which authorizes the entire destruction of every Hawaiian flag on the islands, or the hoisting of the British flag on his fort; all concessions on his part having been made under "protest."

I have the honor to be your excellency's most obedient servant,

LAWRENCE KEARNY,

*Commanding the U. S. naval force in the East Indies.*

To his Excellency KEKAULUOHI,

*Governor of Oahu, &c., &c.*

FORT HONOLULA, July 15, 1843.

Salutations to you, the American commodore.

I have received your communication respecting your men who are confined in the fort, and would beg leave to state, that all I can say on this subject is, that in the present condition of our affairs I cannot liberate the men unless they pay their fine, on which they will be discharged.

I have no other place where I can confine prisoners. I did not raise the British flag on the fort, which is the cause of so much trouble to us at present.

Yours, with great respect,

M. KEKAULUOHI.

A correct translation—Attest:

G. P. JUDD, *Translator to the Government.*

LAHAIAUA, July 19, 1843.

Salutations to you, Lawrence Kearny, commander-in-chief of the United States naval force in the East Indies.

I have received your despatch, protesting against the cession of my islands to Lord George Paulet, captain of her Britannic majesty's ship Carysfort, and all the acts of the British commissioners which may injure the interests of any American citizen, from that time until the completion of arrangements in England.

With due respect I would inform you that, because I was in great distress, and because of the heavy demands made upon me, I ceded my islands in the confident expectation that I shall receive them again; and all the facts have been forwarded to the agents whom we have sent to arrange our affairs in England.



Moreover, there now exist serious troubles, occasioned by the abrogation of laws and by other acts of the British commissioners, and I have in consequence withdrawn from them.

Enclosed is a copy of my proclamation, setting forth the reasons for this withdrawal.

I am, respectfully, yours,

KAMEHAMEHA III. [L. s.]

KEKAULUOHI, *Premier.*

A correct translation—Attest:

G. P. JUDD, *Translator for the Government.*

HONOLULA, OAHU, SANDWICH ISLANDS, *July 18, 1843.*

SIR: The undersigned, citizens of the United States, interested in the welfare and prosperity of the Hawaiian government, and in consequence of recent events at these islands, which have excited our most anxious solicitude, and the exposure of American interests, which we possess and represent, and in which a large portion of our countrymen are concerned, would, for themselves, their families, and property, and in behalf of the amount of property at stake, the spirit of American enterprise here, the contiguity of the northwest territory; in behalf of the American whale fishery, and commerce concerned in the trade with the west and northwest coast of America, the islands of the Pacific, and China, and in behalf of what we hold dear on earth and would preserve for our countrymen, respectfully request you to remain at this port with the ship (*Constellation*) under your command, for our protection, and for the just and honorable preservation of American interest in this ocean.

The recent declaration of the high and noble views entertained, and of the course to be pursued and maintained by our government respecting these islands, together with our present exposed and critical position, and the interests involved, and our need of protection, will, we doubt not, satisfy your mind as to the propriety of our request; as also the necessity of your remaining here until other United States ships of war may arrive, that may be adequate to the maintenance of those interests which the government of the United States are disposed to cherish and maintain.

Very respectfully, we remain your most obedient servants,

PEIRCE & BREWER,

LADD & CO.,

PATY & CO.,

E. & H. GRIMES,

E. H. BOARDMAN,

FRANCIS JOHNSON,

E. C. WEBSTER,

J. O. CARTER,

WM. BAKER, JR.,

JOHN N. COLCORE,

EDWARD L. STETSON,

ELI JONES,

JNO. ROON PFISSER,

THOS. CUMMINS,

A. JENKINS,

R. W. WOOD,

O. P. RICKER,

ROBERT G. DAVIS,

GEORGE M. MOORE,

J. B. McCLURG,

F. W. THOMPSON,

JAS. H. GLEASON,

MILO CALKIN,

WM. SMITH,

JOHN MEEK.

To Commodore L. KEARNY,

*Commanding United States East India Squadron.*

U. S. SHIP CONSTELLATION,  
*Honolulu, Oahu, July 20, 1843.*

GENTLEMEN: I have received your communication of the 18th inst.

The views you express with regard to the welfare and prosperity of the Hawaiian government, as well as to the exposure of American interests in consequence of recent events at these islands, and your desire for me to remain with the United States ship Constellation, under my command, at this port, for the protection and preservation of those interests in this ocean, are fully understood and duly considered.

In reply, I have the honor to state, that however I may unite with you in opinion as to the object of preserving the welfare and prosperity of the Hawaiian government, I cannot take upon myself to interfere in matters connected with the provisional cession of these islands; but I have considered it my duty, as far as lies in my power, to provide against the consequences of "the recent events," by a protest to the King, a copy of which, and my letter to the United States consulate on the same subject, will be found on file in that office, to which I beg leave respectfully to refer, and which I hope will secure American interests.

Agreeably to the wishes of so large and respectable a class of my countrymen, I shall feel myself at least bound to remain in this vicinity until I am officially informed of the actual condition of the American citizens since the date of my letter to the King, under the existing act of cession; and in order that this government may not be embarrassed in any way on my part, I refer you, gentlemen, to the United States consulate, with such cases as require an interposition on the part of the United States government. The consul will communicate the same under the seal of his office, in order that I may convey them to the United States government in case I leave this port before a settlement can be made.

I am, gentlemen, very respectfully, your most obedient servant,

LAWRENCE KEARNY,

*Commanding the U. S. squadron in the East Indies.*

TO MESSRS. PEIRCE & BREWER, LADD & Co., PATY & Co., and others,  
 Honolulu, Oahu.

U. S. COMMERCIAL AGENCY,

*Oahu, Sandwich Islands, July 19, 1843.*

SIR: I have the honor to enclose to you a petition, signed by nearly all of the American residents of this place, requesting you to "remain at this port with the ship Constellation, under your command, for their protection, and for the just and honorable preservation of American interest in this ocean."

The undersigned is of a decided opinion that it would be imprudent for you to leave until the King, now expected here from Maui, shall have arrived, and made some arrangement for the better regulation of his government.

I have the honor to be, your most obedient servant,

WM. HOOPER,

*Acting U. S. Commercial Agent.*

TO Commodore L. KEARNY,

*Commanding U. S. E. I. squadron, off Honolulu.*

U. S. SHIP CONSTELLATION,  
*Honolulu, Oahu, July 20, 1843.*

SIR: I herewith transmit copies of my letters to King Kamehameha III, and Lord G. Paulet.

I have received your communication of the 19th inst., enclosing a letter from the American citizens at Honolulu, requesting me to remain here with the United States ship Constellation, under my command, to protect American interests. Enclosed is a letter in reply, referring them to letters aforesaid, to be kept on file.

So far as regards a provisional cession of the Hawaiian islands to Lord George Paulet, I am not disposed to do anything to excite disturbance, but will confine myself wholly to the object, (while I remain) to prevent any unjust exercise of power against American citizens, either on the part of his majesty, or the authorities to whom he has ceded his government. As you inform me that his Majesty Kamehameha is expected in a few days, I do not doubt but matters will be fully understood.

I am yours, respectfully,

LAWRENCE KEARNY,  
*Commanding U. S. E. I. squadron.*

To WM. HOOPER, Esq.,

*U. S. Commercial Agent, Oahu.*

